

1800 Sheppard Ave East – Official Plan Amendment, Zoning Amendment Applications – Decision Report – Refusal

Date: February 5, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 17 - Don Valley North

Planning Application Number: 22 135661 NNY 17 OZ

SUMMARY

The Official Plan Amendment proposes a multi-phased redevelopment of the existing 18.8 hectare site which includes a total of 12 new buildings, with height ranges between 18 and 52-storeys, 7,830 square metres of parkland dedication, a multi-use trail, new public and private streets, and a total of approximately 4,500 residential dwelling units at 1800 Sheppard Avenue East. A total of 309,000 square metres of residential gross floor area and 34,000 square metres of non-residential gross floor area are proposed for an overall total site density of approximately 2.44 times the area of the lot. The existing Fairview Mall will be retained. The proposed development is intended to occur in a long-term phased manner.

The Zoning By-law Amendment application for Phase 1 includes three mixed-use towers with heights of 38-storeys, 45-storeys, and 52-storeys. The proposed 45- and 38-storey towers are exclusively residential and located along the Sheppard Avenue East frontage.

The proposed Official Plan Amendment and Zoning By-law Amendment is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed development also does not conform to the City's Official Plan, including the Sheppard East Subway Corridor Secondary Plan (SESCSP).

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law, particularly as it relates to the phasing of the proposed development, failure to establish an appropriate planned context which may prevent the orderly development of the various proposed phases, including the ability to plan for adequate parkland, adequate vehicular and pedestrian connections to support site circulation, and the appropriate municipal services being available to support the development, including municipal infrastructure and community services and facilities across the site over the long term.

Until the OPA policies for the entire site are resolved which are intended to implement the Secondary Plan, Official Plan policies, and provincial policy outcomes, the Zoning By-law cannot be supported at this time.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council refuse the Official Plan Amendment and Zoning By-law Amendment Applications (Application No. 22 135661 NNY 17 OZ) for the lands municipally known as 1800 Sheppard Avenue East.
2. In the event the applications are appealed to the Ontario Land Tribunal, City Council, pursuant to subsections 22(8.1) and 34(11.0.0.1) of the Planning Act, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official Plan Amendment and Zoning By-law Amendment applications, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsections 22(8.1) and 34(11.0.0.1) of the Planning Act and the City Clerk shall provide notice to all prescribed persons or public bodies under subsections 22(8.2) and 34(11.0.0.2) of the Planning Act.
4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsections 22(8.1) and 34(11.0.0.1) of the Planning Act, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.
5. Should the Official Plan Amendment and/or Zoning By-law Amendment applications be resolved, and there is no appeal to the Ontario Land Tribunal or the appeal to the Ontario Land Tribunal has been withdrawn, City Council direct the Director, North York District, Community Planning to bring forward an Approval Report to North York Community Council for a statutory public meeting as required under the Planning Act.
6. 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-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- c) the owner has addressed all outstanding issues raised by Transportation Services, as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Transportation Services;
- d) the owner has provided a Functional Servicing Report and Stormwater Management Report, including the Foundation Drainage Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;
- e) the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;
- f) the applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;
- g) the owner has provided revised plans and revised sun shadow and pedestrian level wind studies with recommendations implemented as part of Zoning By-law Amendment and the City has advised that any building envelope changes to address the findings of the studies have been made, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- h) in the event that a parkland dedication is required by Parks Development, further direction from City Council will be required to approve and secure all necessary conditions of parkland conveyance by the owner to the City.

7. City Council authorize the City Solicitor and other appropriate 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

The applications for Official Plan and Zoning By-law Amendments were deemed complete as of April 19, 2021. The applicant resubmitted a revised Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) application on September 8, 2023.

A Preliminary Report was considered by North York Community Council on June 28, 2022, which recommended that staff schedule a Community Consultation Meeting, together with the Ward Councillor.

As part of the consideration of the Preliminary Report, a motion was moved by the local Ward Councillor directing that the Director, Community Planning, North York District, engage the applicant and area Councillor on a more robust public engagement strategy for the proposed masterplan concept for the subject site and report back in the first quarter of 2023 for implementation. A Report for Information was considered by North York Community Council on April 4, 2023, and by City Council on May 10, 2023, with respect to additional information on the public engagement strategy to date.

The Preliminary Report and North York Community Council's direction can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY33.23>

The Report for Information and City Council's direction can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.NY4.8>

Community consultation is summarized in the Comments section of this Report.

Municipal Comprehensive Review: On July 19-22, 2022, City Council adopted four Official Plan Amendments, Official Plan Amendments 540, 544, 570 and 575, that include a total of 115 Major Transit Station Areas (MTSAs)/Protected Major Transit Station Areas (PMTSAs). The site is located within the Don Mills MTSA (SASP 731) as identified within OPA 575. The OPA proposes a minimum target of 250 people and jobs per hectare. The Official Plan Amendments were forwarded to the Minister of Municipal Affairs and Housing for approval. As of the date of this Report, the Minister has not yet made a decision on OPA 575. A copy of the report and Council's decision can be found at the following link: [Agenda Item History – 2022.PH35.16 \(toronto.ca\)](#)

THE SITE

Description: The subject site is a large irregularly shaped parcel with frontage on Sheppard Avenue East to the south, Don Mills Road to the west, and Fairview Mall Drive to the north and east (Attachment 2) with a total area of 18.8 hectares. The subject site is generally flat with a grade change at the intersection of Sheppard Avenue East and Don Mills Road where the site slopes down towards the intersection. The subject site has an approximate frontage of 450 metres along Sheppard Avenue East and an approximate depth of 412 metres.

Existing Use: The subject site is currently occupied with CF Fairview Mall, a large indoor shopping mall, with an approximate gross floor area of 77,622 square metres, along with surface parking areas, internal drive aisles and driveways, and raised parking structures located along Don Mills Road and in the southwest corner of the subject site, adjacent to the Don Mills Subway Station entrance and bus bays, and a 2-storey elevated parking structure along the east side yard of the subject site.

Surrounding Land Uses:

- North:** Immediately north is a 4-storey office building (5 Fairview Mall) with an active OPA/ZBA application (File No. 22 203142 NNY 17 OZ) to redevelop with two high-rise towers, and the Toronto Public Library Fairview Branch.
- South:** Immediately south is Sheppard Avenue East with the planned mid-rise and high-rise Parkway Forest apartment neighbourhood on the south side with heights up to 36-storeys.
- East:** Immediately east is Highway 404.
- West:** Immediately west is Don Mills Road with older slab-style apartment buildings. This area has also been subject to new redevelopment applications with approved heights of up to 33-storeys.

PROPOSAL

An application to amend the City of Toronto Official Plan is required to permit the proposed Masterplan Concept for the redevelopment of existing surfacing parking areas around the existing CF Fairview Mall. The full build out of the Masterplan Concept would include a total of 12 new buildings, ranging in heights between 18 and 52-storeys, including both residential and non-residential uses, along with new public and private streets, three new public parks, a multi-use trail, publicly accessible open space (POPS), and other public realm improvements. The overall Masterplan Concept Site Plan is shown in Attachment 6.

The Masterplan Concept is proposed to be divided into four phases. At present, the OPA sets out policies that relate to floor space index, limited direction on the wording around future public/private streets, pedestrian and cycling connections, parks and private open spaces and the potential redevelopment of the existing mall.

The Zoning By-law Amendment application relates to what is identified in the Masterplan Concept as Phase 1 which includes those lands along the Sheppard Avenue East frontage, between the Parkway Forest Drive driveway access and the parking structure adjacent to the Don Mills TTC Subway Station entrance. Key statistical information for the overall original and revised Masterplan Concept for the subject site is as follows:

	Masterplan Concept (OPA)	
Statistic	Original Submission April 19, 2022	Revised Submission September 8, 2023
Site Area	18.8 hectares (188,250 square metres)	18.8 hectares (188,250 square metres)
Total Buildings	12	12
Height Range	18 to 58 storeys	18 to 52 storeys
Non-Residential GFA	40,000 square metres	40,000 square metres
Residential GFA	317,000 square metres	309,000 square metres

	Masterplan Concept (OPA)	
Statistic	Original Submission April 19, 2022	Revised Submission September 8, 2023
Total Proposed GFA	357,000 square metres	349,000 square metres
Existing Mall GFA	94,110 square metres	94,110 square metres
Total Overall GFA	451,110 square metres	443,110 square metres
Total Floor Space Index (FSI)	2.39	2.35
Dwelling Units	4,700	4,500
Parkland Dedication	7,840 square meters	7,840 square meters

A ZBA application for Phase 1 was submitted with the OPA application on April 19, 2022, with a resubmission for both applications on September 8, 2023. The revised Phase 1 ZBA includes three mixed-use towers with heights of 38-storeys, 45-storeys, and 52-storeys. The proposed 45- and 38-storey towers are exclusively residential and located along the Sheppard Avenue East frontage. A total of 833 dwelling units are proposed with indoor amenity space along the eastern portion of the ground floor and outdoor amenity space along the Sheppard Avenue East frontage with an overhead canopy screening the parking and loading access. The proposed 52-storey mixed use tower is located north of the 45- and 38-storey towers and includes a small retail space at grade along the upper ring driveway facing Fairview Mall. The 52-storey tower will provide 490 purpose built rental dwelling units. The 38-storey and 45-storey towers will contain condominium units.

In total, all three buildings will provide 1,323 dwelling units and will share a three level below grade parking garage. Parking and loading spaces are accessed from a new driveway from Sheppard Avenue East and a new private road which extends Parkway Forest Drive to the north. The western portion of the Phase 1 lands includes a Village Green which will provide open landscaped space. The Phase 1 portion of the development is shown in Attachment 7.

Key statistical information for the overall original and revised Phase 1 ZBA for the subject site is as follows:

	Phase 1 ZBA	
Statistic	Original Submission April 19, 2022	Revised Submission September 8, 2023
Phase 1 Area	14,628 square metres	14,628 square metres
Total Buildings	3	3
Building C1 Height	48-storeys (162.8 m to the top of the mechanical penthouse)	45-storeys (154.4 metres to the top of mechanical penthouse)
Building C2 Height	38-storeys (132.8 metres to the top of the mechanical penthouse)	38-storeys (133.4 metres to the top of mechanical penthouse)

	Phase 1 ZBA	
Statistic	Original Submission April 19, 2022	Revised Submission September 8, 2023
Building R1 Height	58-storeys (197.4 to the top of the mechanical penthouse)	52-storeys (187.2 metres to the top of mechanical penthouse)
Non-Residential GFA	539 square metres	262 square metres
Residential GFA	104,292 square meters	96,947 square metres
Total Proposed GFA	104,831 square metres	97,209 square metres
Total Floor Space Index (FSI)	7.17 FSI	6.65 FSI
Tower C1 Floor Plate	785 square metres	785 square metres
Tower C2 Floor Plate	729 square metres	753 square metres
Tower R1 Floor Plate	826 square metres	826 square metres
Total Dwelling Units	1,416 dwelling units	1,323 dwelling units
Studio Units	46 (3%)	43 (3.3%)
One-bedroom Units	797 (56%)	719 (54.3)
Two-bedroom Units	462 (32%)	428 (32.3)
Three-bedroom Units	141 (9%)	133 (10%)
Purpose Built Rental Units	550 rental units	490 rental units
Parkland Dedication	0 square metres	0 square metres
POPS	978 square metres	2,245 square metres
Total Vehicular Parking	1,093 spaces	1,062 spaces
Non-residential Parking	243 spaces	268 spaces
Residential Parking	850 spaces	794 spaces
Bicycle Parking	1,069 bicycle spaces	1,009 bicycle spaces
Loading Spaces	4 spaces	4 spaces

Reasons for Application

The Official Plan Amendment proposes to amend the Sheppard East Subway Corridor Secondary Plan with respect to the density and to provide for a Context Plan that provides a framework to guide development for the Masterplan Concept area (e.g., structure and site organization, parks and open spaces, building locations and massing, heights, connections, etc.).

The Zoning By-law Amendment application proposes to amend the former City of North York Zoning By-law 7625 to permit residential uses on the subject site and vary performance standards including: floor space index, lot coverage, height, building setbacks, projections, amenity space requirements, and parking space requirements. Amendments are required to permit the proposed heights and density and set appropriate development standards to facilitate the development of the proposed buildings in Phase 1. The site is not subject to City of Toronto Zoning By-law 569-2013 and the Phase 1 draft ZBA proposes to bring the site into By-law 569-2013.

APPLICATION BACKGROUND

Application Requirements

The following reports/studies were submitted in support of the OPA and ZBA applications:

- Architectural Plans
- Landscape Plans
- Sun Shadow Study
- Planning Rationale
- Community Services and Facilities Study
- Public Consultation Strategy
- Housing Issues Report
- Simplified Report Graphics
- 3D Modelling
- Block Context Master Plan
- Pedestrian Level Wind Study
- Noise Impact Study
- Tree Preservation Plan and Arborist Report
- Transportation Impact Study
- Servicing Report
- Stormwater Management Report
- Geotechnical Study
- Hydrogeological Study
- Environmental Site Assessment
- Energy Strategy Report
- Toronto Green Standards
- Topographical Survey
- Survey Plans
- Air Quality Assessment

These documents may be found in the City of Toronto Application Information Centre at the following link:

<http://app.toronto.ca/AIC/index.do?folderRsn=ugB1Imm9%2BeKR0x2mRM50Cw%3D%3D>

Agency Circulation Outcomes

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

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The land use designation for the site is *Mixed Use Areas* and is located along a designated *Avenue*. *Mixed Use Areas* are anticipated to absorb most of the increase in retail, office, and employment uses, along with new housing. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

See Attachment 3 of this report for the Official Plan Land Use Map. The Toronto Official Plan can be found here:

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

Secondary Plan

The site is also located within the Sheppard East Subway Corridor Secondary Plan (SESCSP), specifically the Don Mills Node, an area where existing *Mixed Use Areas* blocks can accommodate existing and future employment and residential development opportunities. Additionally, policies in Section 4.2.7 encourage additional development on the site of CF Fairview Mall. The site is also located within a Key Development Area as shown on Map 9.2.

Section 9 of the Secondary Plan includes Implementation policies for the Key Development Areas that are designated as Mixed Use Areas. The preamble of these policies state that comprehensive redevelopment is promoted in the key development areas to prevent piecemeal development. In key development areas, context plans may be required for the entire block on which development is located, including its relationship to adjacent streets, open space and development sites. The purpose of the context plan is to:

- a) provide a context for co-ordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site;
- b) to assist in evaluating the conformity of the proposed development with the relevant provisions of this Secondary Plan, including the conceptual parks plan; and
- c) to provide a framework within which streetscape initiatives of the city will be developed and implementation mechanisms identified.

The SESCSP permits a maximum density of 1.5 times the area of the lot for the whole of the subject site. No specific heights are identified in the SESCSP for the subject site.

See Attachment 4 of this report for the Sheppard East Subway Corridor Secondary Plan map. The Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9-SheppardEast.pdf>

Zoning

The subject site is zoned District Shopping Centre – C3(7) under the former City of North York Zoning By-law 7625. The C3(7) zone permits various commercial uses, including a regional shopping centre. Residential uses are not permitted. The C3(7) zone permits a maximum lot coverage (including all parking structures) of 75% of the area of the lot with a maximum height restriction of 10 to 15-storeys for office buildings and 11.0 m for parking structures on the lot. The subject site is not subject to city-wide Zoning By-law 569-2013.

See Attachment 5 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines
- Mall Redevelopment Guide
- Growing Up Guidelines
- Planning for Children in New Vertical Communities

Toronto Green Standard

The TGS is Toronto's sustainable design and performance requirements for new private and city-owned developments since 2010. 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.

Site Plan Control

A mandatory pre-application consultation (PAC) meeting was held over the phone on November 1, 2023 for Phase 1. An application has not yet been submitted to the city and would not be appropriate given that the zoning permissions necessary to permit the proposed Phase 1 are not in force.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) (PPS), and conformity with the Growth Plan (2020). 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.

The PPS requires planning authorities to 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 and planned infrastructure and public service facilities to meet projected needs. These locations and areas are to be identified in the official plan and zoning by-laws in accordance with policies of the PPS. The Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. The policies encourage a range and mix of housing options to serve all sizes, incomes, and ages of households; and directing future growth to major transit station areas

Staff find that elements of the proposed OPA are not consistent with the PPS and do not conform with the Growth Plan. The OPA is not consistent with PPS policies concerning matters such as, but not limited to, the establishment of appropriate phasing and coordination, orderly progression of development, providing for a range and mix of housing options, planning for safe public streets and infrastructure that meet the needs of pedestrians, provision for a healthy and active community, provision of appropriate built form, public spaces, infrastructure and public service facilities, and providing for a full range and equitable distribution of public facilities including parklands and public spaces.

The proposal also does not conform to the Growth Plan. The proposed OPA does not conform to Growth Plan policies related to, but not limited to, policies on developing complete communities, providing a diverse range and mix of housing options including affordable housing that can accommodate the needs of all household sizes and incomes, providing additional opportunities for new major office and major institutional development to be located within major transit station areas, providing opportunities for new public service facilities, providing appropriate policies to address the impacts of climate change and environmental sustainability, integrated planning, transportation, and the implementation of appropriate development standards through the Official Plan and other supporting documents.

The Growth Plan recognizes that well-planned infrastructure is essential to the viability of communities and critical to economic competitiveness, quality of life, and the delivery of public services. It provides that infrastructure planning, land use planning, and infrastructure investment must be coordinated. However, with a limited phasing strategy it is unclear that the proposed OPA amendment would integrate land use planning with infrastructure planning and allow for the coordination of identified infrastructure. Further revisions to the draft policies will need to be explored in order to address the policy matters identified above.

In addition, Policy 4.6 of the PPS states that the official plan is the most important vehicle for implementation of provincial policies. These policies are often translated into specific policies in the Official Plan and other implementing tools. The Fairview Mall site is subject to the SESCSP. Failure to conform to the SESCSP policies also creates

further inconsistency with the PPS as the implementation tool being the official plan is not being met.

Staff recommend that the OPA and ZBA applications be refused accordingly.

Masterplan Concept

A Masterplan Concept was submitted in support of the OPA application which provides a high-level development concept of the subject site and forms the basis for the proposed policy framework in the draft Official Plan Amendment. Staff have reviewed the Masterplan Concept and do not agree with matters such as the proposed street network structure, road ownership structure, proposed parkland locations and size, proposed tower and built form placements, certain public realm interfaces with active transportation uses, and the exclusion of specific lands from the Masterplan Concept. The Masterplan Concept should form the basis of the proposed draft OPA policy language. Staff have reviewed the draft OPA policies provided by the applicant and are of the opinion that in its current form the proposed policies do not adequately provide for a future vision of the subject site. In addition, given the size of the subject site, and the magnitude of the proposals, the redevelopment applications are not consistent with the Implementation Policies of the SESCSP, and in turn, the other policies of the Secondary Plan. More detailed comments are provided in the following sections of this report.

Phasing of Development

The application proposes a long term build out of a large 18-hectare site. Given the size of the subject site and the magnitude of the proposed development, the proposed OPA amendment is inadequate and needs further policy direction for the phased build out of the subject site in an orderly and coordinated manner. While the proposed development is in an appropriate location for growth and development, the form of development needs comprehensive phasing policies to coordinate the implementation of different community facilities, parkland, infrastructure, public street network, a balanced mix of housing (including affordable housing), clarity on rental housing versus ownership housing, and office and other non-residential uses to support the development on the entire site in a comprehensive manner and to ensure the orderly development of a safe, healthy, and complete community. Revised OPA policies are needed to address appropriate infrastructure and public realm elements to be delivered to support the redevelopment proposal in a coordinated phased approach and to identify whether any additional implementation tools may be required to realize the overall long-term vision for the subject site. The OPA also needs to address the interim condition on the subject site as it is anticipated that redevelopment will occur through long-term phasing.

Land Use

The subject site is designated *Mixed Use Areas* in the Official Plan as noted in Attachment 3. The Official Plan states that *Mixed Use Areas* will create a balance of a mixture of uses that reduces automobile dependency and meets the needs of the local community. Generally, the proposed mix of land uses is appropriate given that the existing Fairview Mall is proposed to be retained and non-residential uses are proposed in the Masterplan Concept. However, the proposal does not contain a sufficient level of

specificity with regards to ensuring a balance of uses in each phase is implemented over time. In addition, the SESCSP encourages retail and office uses at grade along the Sheppard Avenue East frontage.

The majority of the proposed development is comprised of residential uses, with some being contemplated as rental and other being ownership units. Staff will continue to work with the applicant on the location and mixture of non-residential uses within the base buildings in order to support animated street frontages, timing of when various uses will be delivered, provide for an appropriate mix of uses, enhance pedestrian connectivity and non-automobile trips.

Public Realm and Streetscape

The Official Plan provides policies related to the public realm which is comprised of all public and private spaces to which the public has access. The Official Plan policies direct development to be located and organized to fit with its existing and planned context. It will frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development by generally locating buildings parallel to the street or along the edge of a park or open space with consistent front yard setbacks. The proposed OPA lacks policy direction regarding the phasing and delivery of public realm elements to ensure connectivity and permeability throughout the subject site at each phase of development.

The Official Plan policies speak to minimizing conflicts between vehicles and pedestrians. As the subject site contains an operational shopping center with its own needs for vehicular and truck movements, policies should be strengthened in the proposed OPA regarding the avoidance of conflicts between pedestrians, cyclists and vehicles. Proposed OPA policies should also speak to the priority of the locations for public parkland, POPS, and the design intent and quality of each street as well as other public realm elements such as tree plantings. The Sheppard East Subway Corridor Secondary Plan also encourages new development on the subject site to be integrated with the Don Mills TTC Subway Station.

Further details about the pedestrian connections and routes, and the interface of the proposed public parkland and POPS with vehicular and truck access is required. Further refinement of the streetscape along Sheppard Avenue East and abutting private driveways is required as active ground floor uses are not included.

In addition, as access to the TTC subway station entrance is located along the Sheppard Avenue East frontage and within an existing parking garage, further policy direction about securing and phasing an external pedestrian network and internal "PATH-like" pedestrian connection is warranted as per policy 4.2.7 in the SESCSP. This direction should specify connections within each of the development phases ensuring it creates a pedestrian system within the subject site and connects to the TTC subway station.

The OPA should provide for a vision that allows for greater permeability through the entire subject site and provide for pedestrian access to the TTC subway station. This

includes designing new streets to divide larger sites into smaller development blocks with a grid-like network.

Specifically related to the Phase 1 ZBA with the proposed inner-ring driveway abutting the TTC bus terminal exit, it is also not appropriate and creates an undesirable pedestrian environment. The proposed access for the TTC Pick-Up/Drop-Off and parking access is also unacceptable. The Official Plan discourages multiple site-access points off major streets and the current configuration would result in an unfriendly pedestrian and cycling environment along Sheppard Avenue East. In addition, the public realm design for the Phase 1 ZBA includes a Village Green POPS which is connected by a new zig-zag pathway and stairs to the TTC subway entrance along Sheppard Avenue East. The zig-zag path and stairs are located outside the boundaries of the Phase 1 ZBA lands and are not secured in the policy language of the draft OPA. It is unclear to staff how this public realm improvement will be secured through the rezoning process.

Built Form

The built form policies of the Official Plan speak to the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure that each new building promotes and achieves the overall objectives of the Official Plan. Planning staff have reviewed the proposed built form against the policies of the Official Plan, the SESCSP, and relevant design guidelines, such as the Tall Building Design Guidelines. Planning staff have concerns with the proposed built form in relation to the site as well as the surrounding context for both the OPA Masterplan Concept and the Phase 1 ZBA.

The Official Plan contains policies regarding Built Form. For tall buildings, the plan contains policies regarding tall building design and limiting and shaping the size of tower floorplates above base buildings. Staff have reviewed the proposal and note for towers proposed in the Masterplan Concept OPA, tower separation distances and tower floor plates could not be determined. It is also unclear if some of the towers proposed will have frontage or building entrances onto a public street.

With respect to the Phase 1 ZBA, the proposed towers along the Sheppard Avenue East frontage do not provide ground floor uses with clear views to and from the street as the ground floor along Sheppard Avenue East is occupied by a covered pick-up/drop-off area and does not contribute to animating the public realm. Staff encourage a mid-rise component along Sheppard Avenue East to provide for a street wall height that fits harmoniously with the existing street wall on the south side of Sheppard Avenue East. The Phase 1 ZBA proposal does not contribute to animating the public realm through the use of active at-grade uses as the majority of uses at-grade relate to vehicle access/maneuvering and both indoor and outdoor amenity space. Staff generally discourage indoor amenity uses at-grade as they do not contribute to animating the street and public realm. The location of outdoor amenity space adjacent to the Sheppard Avenue East frontage is also not desirable. Staff also encourage eliminating additional curb-cuts and driveways from Sheppard Avenue East and instead consolidate all loading and vehicular access ramps for all three buildings proposed.

The towers proposed exceed the maximum 750 square metre floor plate contained in the Guidelines and the 52-storey tower does not have frontage or a building entrance onto a public street. The proposed tower floorplates and tower locations need to be revised to conform with the Official Plan and meet the intent of the Tall Buildings Design Guidelines.

The proposal does not conform to the Official Plan Built Form policies and the proposed built form cannot be supported in its current form.

Mobility

The Official Plan speaks to dividing large sites into smaller scaled development blocks and land parcels to facilitate a high level of permeability for pedestrian, cycling, and vehicular circulation and to encourage appropriate building types and scale of redevelopment. The public realm policies in the Official Plan direct that new streets be designed to provide access and addresses for new development, allow the public to freely enter without obstruction, and provide and improve the frontage, visibility, access and prominence of natural and human-made features including parks, cemeteries, school yards and campus lands, among other matters. In addition, the SESCSP states that where new roads are required, a street and block pattern should be created to establish a network of public streets, designed and built to public standards, making new developments an integrated part of their communities.

The Official Plan directs that new streets will be public streets, unless otherwise deemed appropriate by the city. It also directs that the City's network of streets and laneways be maintained and developed to support the growth management objectives of the plan by ensuring that streets are not closed to public use and stay within the public realm where they provide present and future access for vehicles, pedestrians and bicycles, space for utilities and services, building address, view corridors and sight lines; and by ensuring that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes and users throughout the City. Public streets act as a fundamental organizing element of the City's physical structure. The Official Plan also directs that new and existing blocks and development lots within them will be designed to promote street-oriented development with buildings fronting onto, and having access and address from, street and park edges.

The proposed Masterplan Concept OPA does not appropriately establish a public street network, future connections to existing public streets, and a lack of focus on integrating the existing bus terminal and TTC subway station. A finer grain public street network as the subject site will be required to support development throughout the site and through future phases. As such, more detailed policies regarding development phasing are needed to demonstrate the appropriate delivery of these new public streets and prioritize active transportation connections will be delivered with any new redevelopment on the subject site.

A Masterplan Concept is required which would establish a fine-grain network of public streets that facilitates multi-modal connectivity throughout the site, municipal servicing,

and frontage on public streets, including a Transportation Impact Study for the entire subject site with a supporting Travel Demand Management Plan. As previously discussed, the Masterplan Concept will form the basis of the proposed draft OPA policy language which should include a street network.

Sun, Wind, and Pedestrian Comfort

The Official Plan identifies that new development should adequately limit shadow impacts on properties in adjacent lower-scale neighborhoods, particularly during the spring and fall equinoxes and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The Official Plan also identifies that where development includes, or is adjacent to a park or open space, the building(s) should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight. Staff are concerned with the proposed tower locations and floor plate sizes in relation to shadows proposed on proposed parks and open spaces in relation to the proposed Phase 1 ZBA.

The Official Plan identifies that new development should limit and mitigate pedestrian level wind impacts. Wind conditions should be suitable for walking and standing, with higher standards applied to spaces designed for sitting, play structures and sports activities. The Pedestrian Level Wind Study submitted with the rezoning application identified that there are the number of wind issues resulting from the Phase 1 development and its proposed built form, including uncomfortable wind conditions between the proposed towers for the Phase 1 ZBA during spring and winter. Built form changes and mitigation measures should be examined to eliminate the uncomfortable wind conditions that arise from the proposed development.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced, and expanded.

The City of Toronto Parkland Strategy (PLS) 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 PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the subject site is in an area that currently has a population fewer than 300 people in 2022. Given the future expected growth both on the site itself and surrounding sites, the existing parkland will be further stressed if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

At the alternative rate of 1 hectare per 600 net residential units to a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 10,627 square meters for the entire site. With respect to the Phase 1 ZBA, the parkland dedication requirement is 1,460 square meters.

The applicant has proposed that: the parkland requirement for Phase 1 be fulfilled through cash in lieu; the parkland requirement for Phase 2 be fulfilled through an on-site dedication of 3,600 square meters; the parkland requirement for Phase 3 be fulfilled through an on-site dedication of 2,540 square meters; and the parkland requirement for Phase 4 be fulfilled through an on-site dedication of 1,700 square meters.

The applicant's proposal for the satisfaction of the parkland dedication requirement is not acceptable. The proposed parkland dedications total 7,840 square meters, which is deficient by 2,787 square meters. The parkland dedication requirement shall be fulfilled through an on-site dedication in a manner that complies with Policy 3.2.3.8 of the Toronto Official Plan.

The interface of the proposed 3,600 square meter park on Don Mills Road, north of Leith Hill Road, adjacent to the elevated parking garage, is undesirable as it creates potentially unsafe conditions and will detract from the park's usability.

The location of the proposed 2,540 square meter park on Fairview Mall Drive, at the northeast corner of the overall site, is not acceptable as there are significant grade differences along the proposed park's southern boundary adjacent to the existing parking structure to remain and along the proposed park's western boundary adjacent to the existing surface parking and retaining wall. The park's interface with the adjacent parking structure, retaining wall and surface parking is undesirable, creates potentially unsafe conditions, and will detract from the park's usability.

This proposed form of development requires comprehensive phasing plans and policies to coordinate the phased provision of parkland, which ensures that an on-site parkland dedication is provided with each phase of the development.

Privately-Owned Publicly Accessible Open Space (POPS)

Privately-owned publicly accessible open space (POPS) of approximately 10,043 square meters for the whole site is being proposed which includes 2,245 square metres of POPS in Phase 1. The applicant is proposing that the POPS be recognized as parkland. The public realm policies of the Official Plan states that "Privately Owned Publicly Accessible Spaces (POPS) are spaces that contribute to the public realm but remain privately owned and maintained. POPS do not replace the need for new public parks and open spaces." Parks Development will not accept any proposed POPS as fulfilling all or any portion of the parkland dedication required for this subject site.

Housing Issues

A key objective of the PPS, Growth Plan and Official Plan is to ensure development contributes to livable, healthy and inclusive communities. Providing for a full range of housing and community services within neighborhoods is a key component for achieving these objectives. A full range of housing includes a mix of built forms, unit sizes, tenures and affordability.

The Official Plan identifies that new neighborhoods should include, amongst other matters, strategies to provide community services and affordable housing. Policy 3.2.1.9

of the Official Plan also recognizes that large residential developments provide an opportunity to achieve a mix of housing in terms of type and affordability. The affordable housing contribution may take the form of units constructed on-site or land conveyed to the City.

In November 2021, City Council adopted Official Plan Amendment 557 and Zoning By-law 941-2021 for Inclusionary Zoning. While the subject site is not located within an Inclusionary Zoning Market Area, Policy 3.2.1.9 continues to be applicable to the site. Furthermore, Section 16(1)(a.1) of the Planning Act contemplates that the Official Plan (including Official Plan Amendments) shall contain “such policies and measures as are practicable to ensure the adequate provision of affordable housing.” Given the significant size of this site, there is an opportunity to provide for affordable housing.

Staff continue to request that an affordable rental housing proposal be provided as part of the redevelopment proposal.

Servicing

A revised Functional Servicing and Stormwater Management Report (FS&SWMR) prepared by SCS Consulting Group was submitted for the subject site and is currently under review by Engineering and Construction Services. The proposed OPA does not contain policies related to servicing. A revised FS&SWMR and phasing plan outlining what improvements, modifications, and municipal infrastructure upgrades are necessary for each phase of development and how much development can proceed based on the timing and construction of the infrastructure upgrades is required.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

The applicant was required to submit a Community Services & Facilities Study as part of the complete application. Staff recommended that the applicant consider incorporating into the redevelopment proposal the inclusion of either non-profit childcare space(s) and additional ground floor community space. Other community service facilities may be further explored and identified through the planning process. The proposed Masterplan Concept OPA does not appropriately address the need for Community Services & Facilities due to the scale of the proposal.

Climate Mitigation and Resilience

City Council has declared a Climate Emergency, and set goals to achieve net zero greenhouse gas emissions by 2040 or sooner through its Transform to Net Zero Strategy. To support strong communities and a high quality of life, development should

positively contribute to its neighborhood, including efforts toward climate change mitigation and resilience. The Official Plan requires that new neighborhoods will have a comprehensive planning framework reflecting the Plan's city-wide goals as well as the local context and, among other matters, should also include a strategy for energy conservation, peak demand reduction, resilience to power disruptions and small local integrated energy solutions that incorporate renewables, district energy, combined heat and power or energy storage, stormwater management and wastewater conservation as well as a strategy for waste management. The proposed development is a large, complex and multi-phased development. This presents a unique opportunity to allow for higher degrees of energy efficiency and, sustainable strategies and climate resiliency such as aiming for higher tiers of the Toronto Green Standard. Neither the draft OPA for the Masterplan Concept or the Phase 1 ZBA include policies related to energy strategies.

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 or Registered Plan of Subdivision.

The proposed development currently does not meet Toronto Green Standard requirements for Tree Planting Areas and Soil Volume (EC 1.1). Urban Forestry staff require revised information for the soil volume plan in order to ensure conformance with specifications as detailed in the City's Development Guide and Terms of Reference.

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.

Community Consultation

A Community Consultation Meeting (CCM) was held virtually on July 11th, 2022, with respect to the redevelopment proposal. Approximately 134 members of the public registered and attended the CCM. The local Councillor, Community Planning staff, and representatives from the applicant's team were also in attendance. Planning staff provided a presentation to the community on the site and area context, applicable policies and zoning, and planning approval process. The applicant provided a presentation regarding the proposed redevelopment including all four phases proposed.

At the meeting, the residents raised a number of concerns and asked questions related to several matters, including the following:

- Overall proposed density and population increase
- Phasing plan and construction timing
- Tenure of proposed residential dwelling units and dwelling unit sizes

- Traffic management related to vehicles, TTC busses and bicycles
- Pedestrian connectivity
- Future of Fairview Library
- Need for public open space
- Need for infrastructure upgrades in the area
- Concerns over parking accessibility at the mall
- Area school capacity with new residents
- More community spaces

Design Review Panel

In addition to the standard CCM meeting discussed above, the application was presented by the applicant to the Design Review Panel (DRP) on December 8, 2022. City Planning staff also provided a presentation to the DRP regarding the history of Fairview Mall and the applicable policies and guidelines for the redevelopment. The DRP provided comments on the application and the proposal may be considered again by the DRP in the future once the applicant addresses the outstanding comments. A recording of the meeting is available here:

<https://www.youtube.com/watch?v=0wnQFG3BUSg&feature=youtu.be>

Comments from the DRP focused primarily on tenure of the existing mall, parking garage ownership and leaseholds in relation to the TTC, grading issues on the site, pedestrian connectivity, proposed road structure, future of the edges of the existing mall, enhancing the public realm, design of the Village Green in Phase 1, and implementation of the proposed phasing plans. The DRP voted in non-support of the proposal five to one.

The minutes of the December 8, 2022 meeting are available here:

<https://www.toronto.ca/wp-content/uploads/2023/08/9496-city-planning-design-review-panel-minutes-08-december-2022.pdf>

Additional Public Consultation

In order to implement a more robust public engagement strategy as directed by North York Community Council, two Open Houses were held for area residents on Monday March 6, 2023, and Monday March 13, 2023. Both Open Houses presented information on the proposed development at 1800 Sheppard Avenue East and the redevelopment proposal immediately northwest at 5 Fairview Mall Drive which shares the block with Fairview Mall (file no. 22 203142 NNY 17 OZ). City staff from Community Planning, Urban Design, Transportation Planning, Transportation Services, and Parks, Forestry & Recreation obtained feedback from area residents and provided additional information on the development proposal and the relevant planning policies. In addition, representatives from the TTC were also present along with the consultant teams for both proposed redevelopments. In total approximately 120 people attended the Open Houses.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan and the Sheppard East Subway Corridor Secondary Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Further, both the proposed OPA and ZBA does not conform with the general intent of the Official Plan. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application. Staff recommend that the proposed OPA and the ZBA applications be refused accordingly. Staff also recommend Council utilize the dispute resolution mechanisms under the Planning Act in an attempt to resolve the issues generally outlined in this Report with the application in its current form.

CONTACT

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Michelle.Charkow@toronto.ca

SIGNATURE

David Sit, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Secondary Plan Map
Attachment 5: Existing Zoning By-law Map
Attachment 6: Draft Official Plan Amendment (Masterplan Concept)
Attachment 7: Draft Zoning By-law Amendment (Phase 1 Site Plan)
Attachment 8: Elevations
Attachment 9: Rendering (Phase 1)

Attachment 1: Application Data Sheet

Municipal Address: 1800 SHEPPARD AVE E **Date Received:** April 19, 2022

Application Number: 22 135661 NNY 17 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Application to amend the zoning by-law to permit the proposed Masterplan Concept consists of four phases of redevelopment around the existing CF Fairview Mall. The proposal will create approximately 4,500 new residential units, up to 40,000 sqm of additional non-residential uses, and three new public parks totaling 7,840 sqm. The Phase 1 Proposal will replace the existing expansive surface parking lots and driveways and a portion of a five-storey parking structure with three high-rise buildings. Tower R1 contains 52 storeys, 187.2 meters in height. Tower C1 contains 45 storeys, 154.4 meters in height; and Tower C2 contains 38 storeys, 133 meters in height.

Applicant	Agent	Architect	Owner
THE CADILLAC FAIRVIEW CORPORATION LIMITED			CF/REALTY HOLDINGS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Y
Zoning:	C3(7)	Heritage Designation:	
Height Limit (m):	10-15 storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	188,250	Frontage (m):		Depth (m):	
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				
Residential GFA (sq m):	0	0	309,000	309,000
Non-Residential GFA (sq m):	94,110	94,110	40,000	134,110
Total GFA (sq m):	94,110	94,110	349,000	443,110
Height - Storeys:			52	52
Height - Metres:			174	174
Lot Coverage Ratio (%):	-	Floor Space Index:	2.35	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	309,000	
Retail GFA:	100,110	
Office GFA:	34,000	
Industrial GFA:	0	
Institutional/Other GFA:	0	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			490	490
Freehold:				
Condominium:			833	833
Other:			3,177	3,177
Total Units:			4,500	4,500

Total Residential Units by Size (Phase 1)

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:	0	43	719	428	133

Parking and Loading (Phase 1)

Parking Spaces: 1,062 Bicycle Parking Spaces: 1,009 Loading Docks: 4

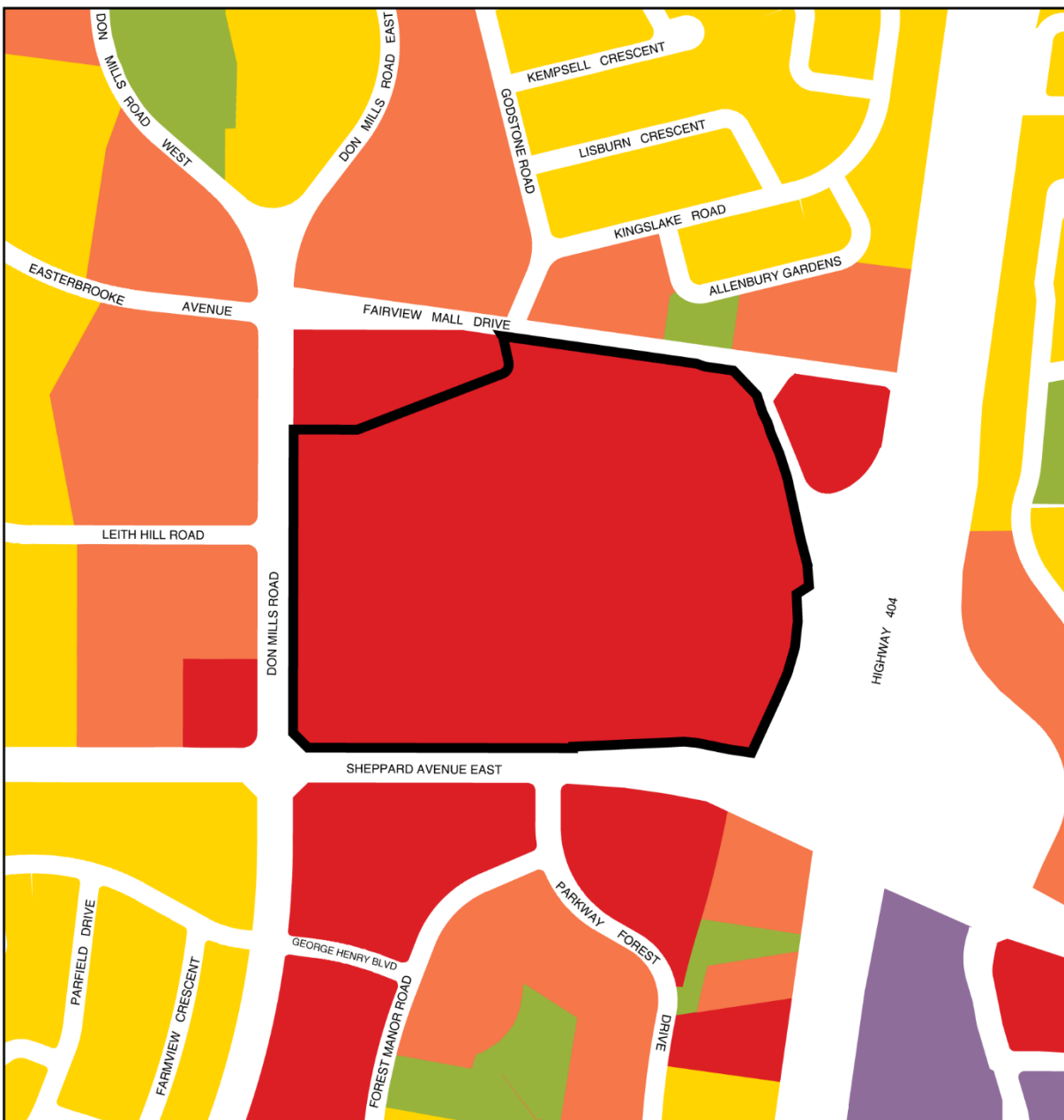
CONTACT:

Michelle Charkow, Senior Planner
416-338-7542
Michelle.Charkow@toronto.ca

Location of Application

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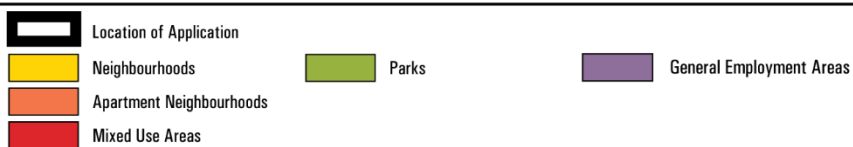
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #19

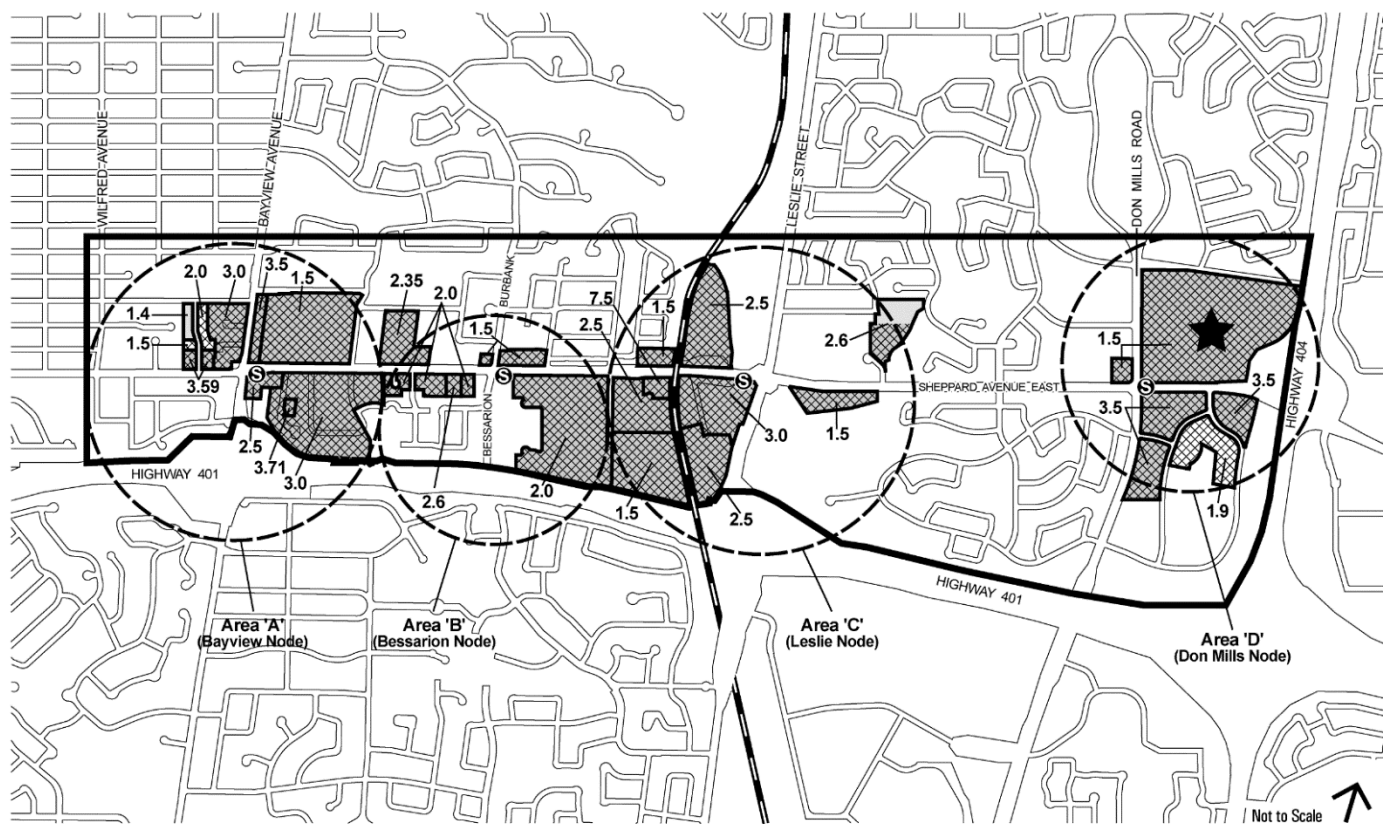
1800 Sheppard Avenue East

File # 22 135661 NNY 17 02



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Not to Scale
Extracted: 04/25/2022

Attachment 4: Secondary Plan Map



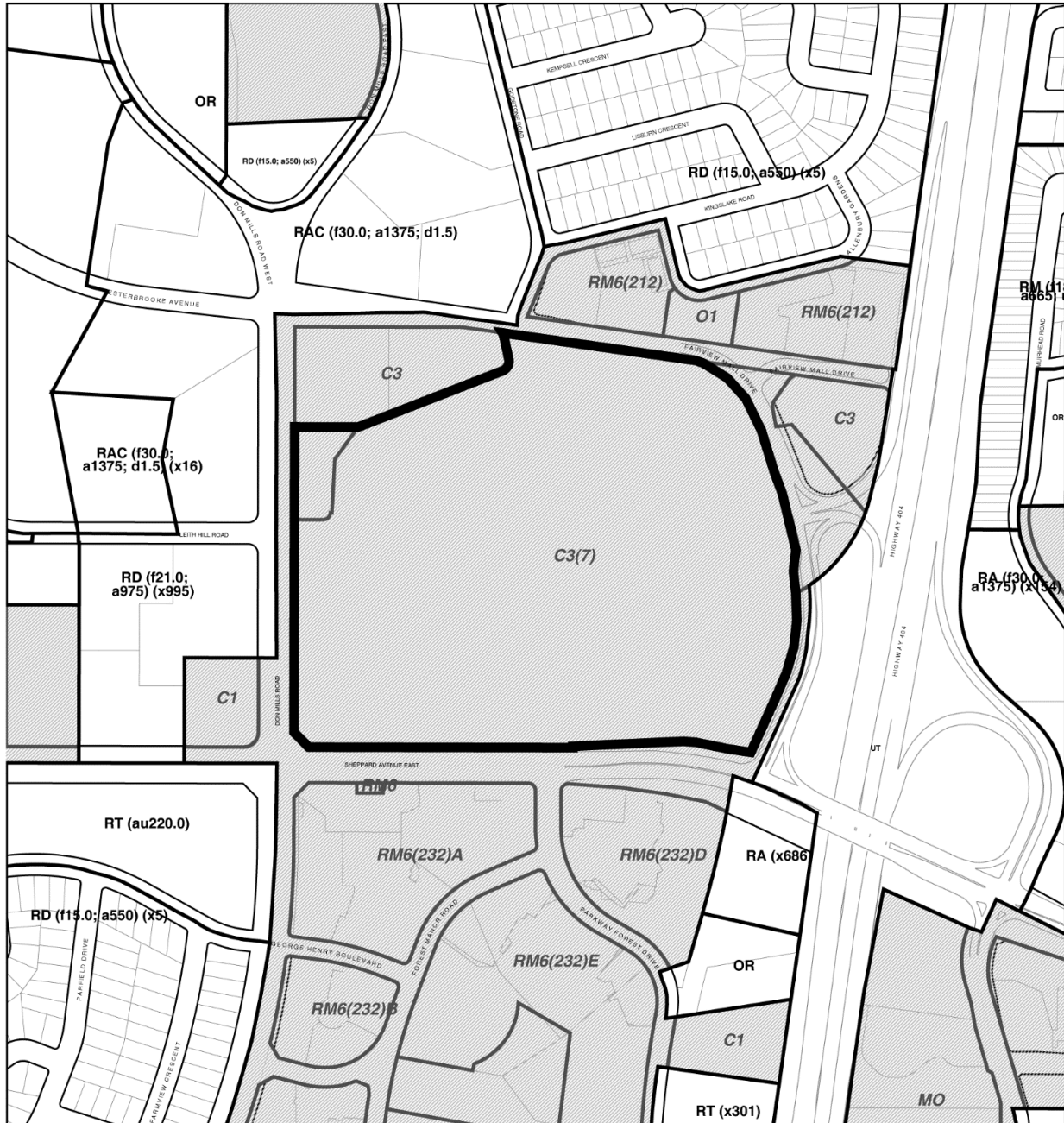
Sheppard East Subway Corridor Secondary Plan

MAP 9-2 Key Development Areas

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- ★ Subject Site
- 1.5 Density
- Ⓢ Subway Station

December 2010

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

1800 Sheppard Avenue East

File # 22 135661 NNY 17 0Z



Location of Application

RD Residential Detached
RT Residential Townhouse
RM Residential Multiple
RA Residential Apartment
RAC Residential Apartment Commercial
EO Employment Industrial Office

OR Open Space Recreation
UT Utility and Transportation

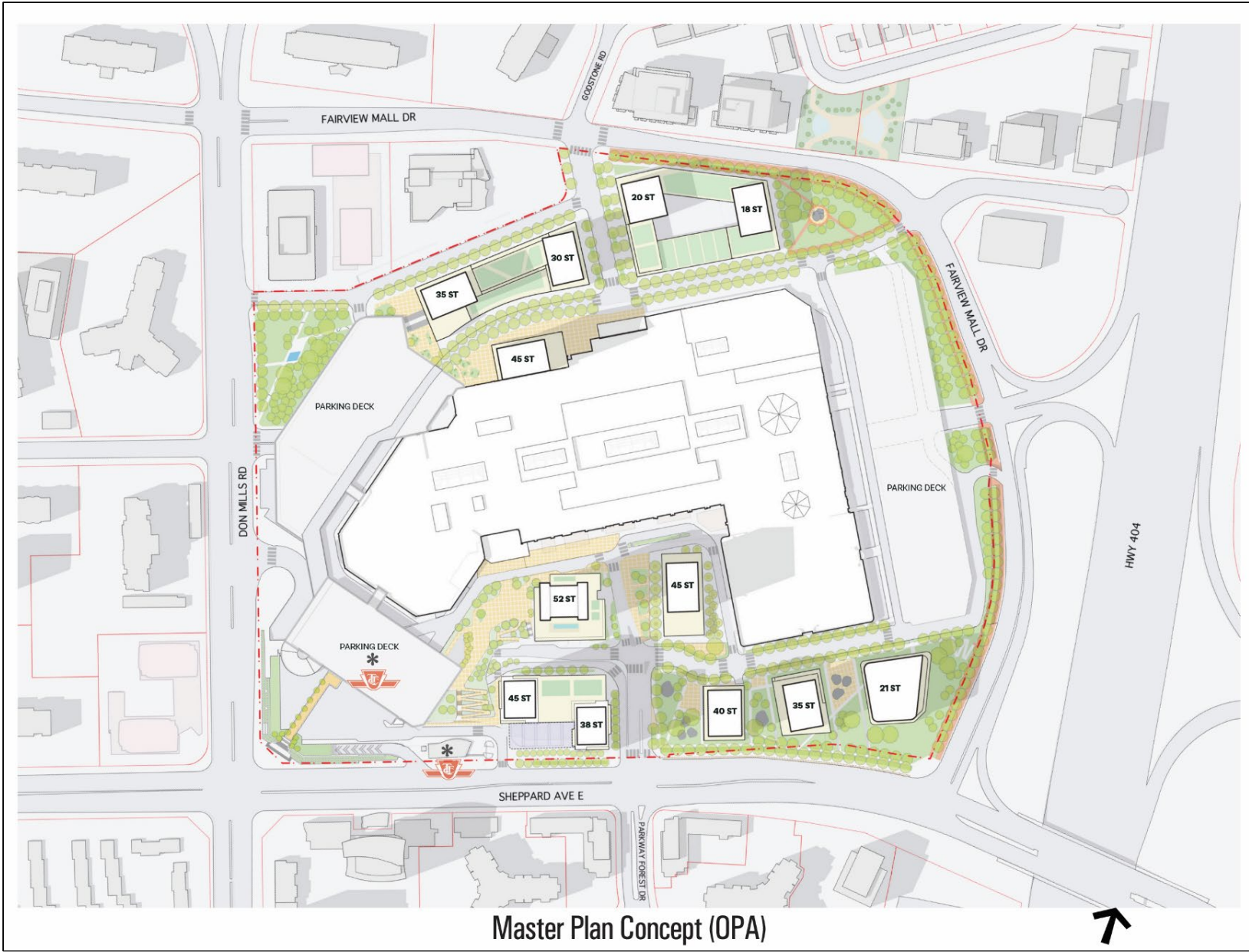


See Former City of North York By-law No. 7625

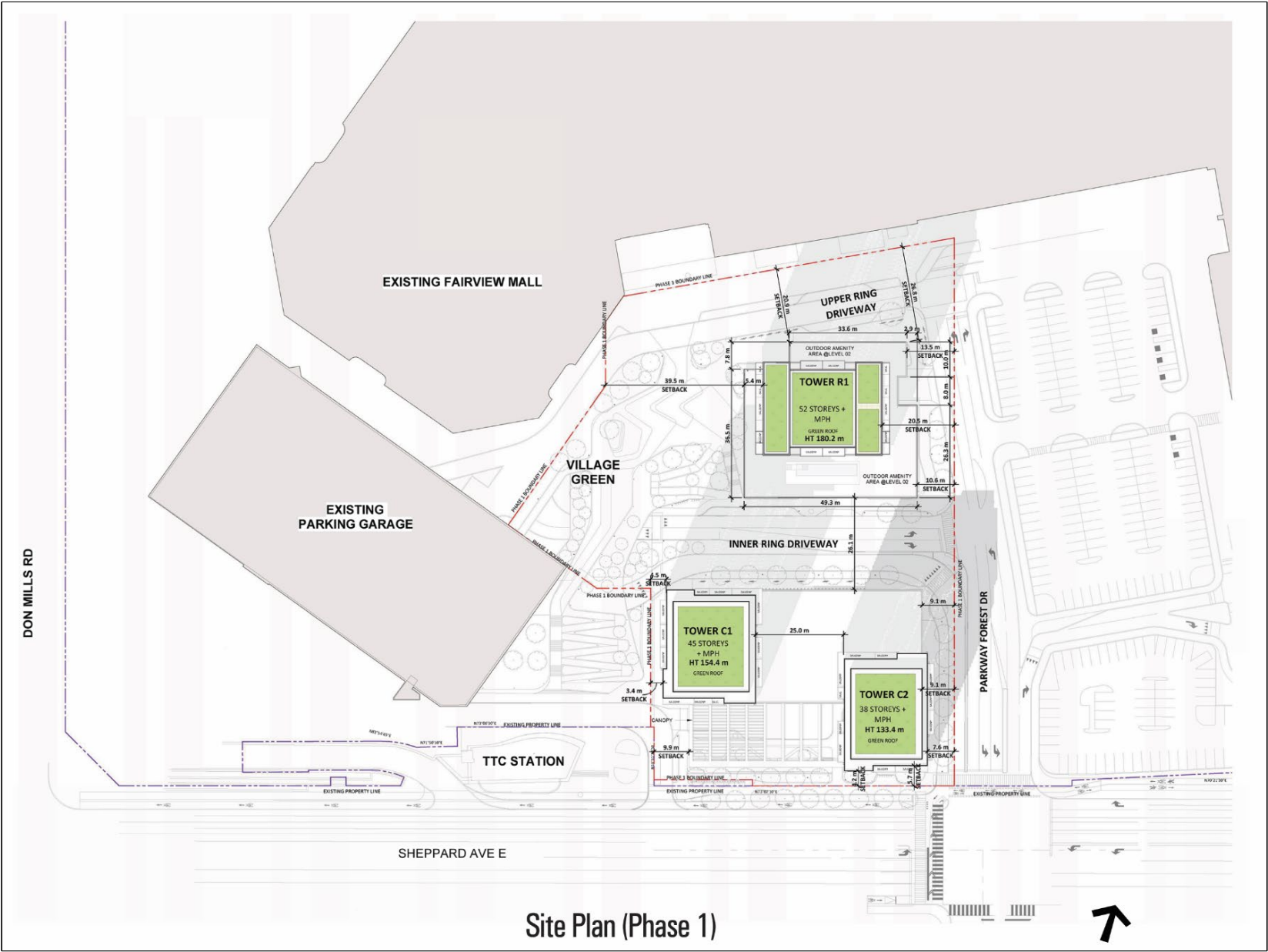
R2 One-Family Detached Dwelling Second Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C1 General Commercial Zone
C3 District Shopping Centre Zone
MO Industrial-Office Business Park Zone
O1 Open Space Zone

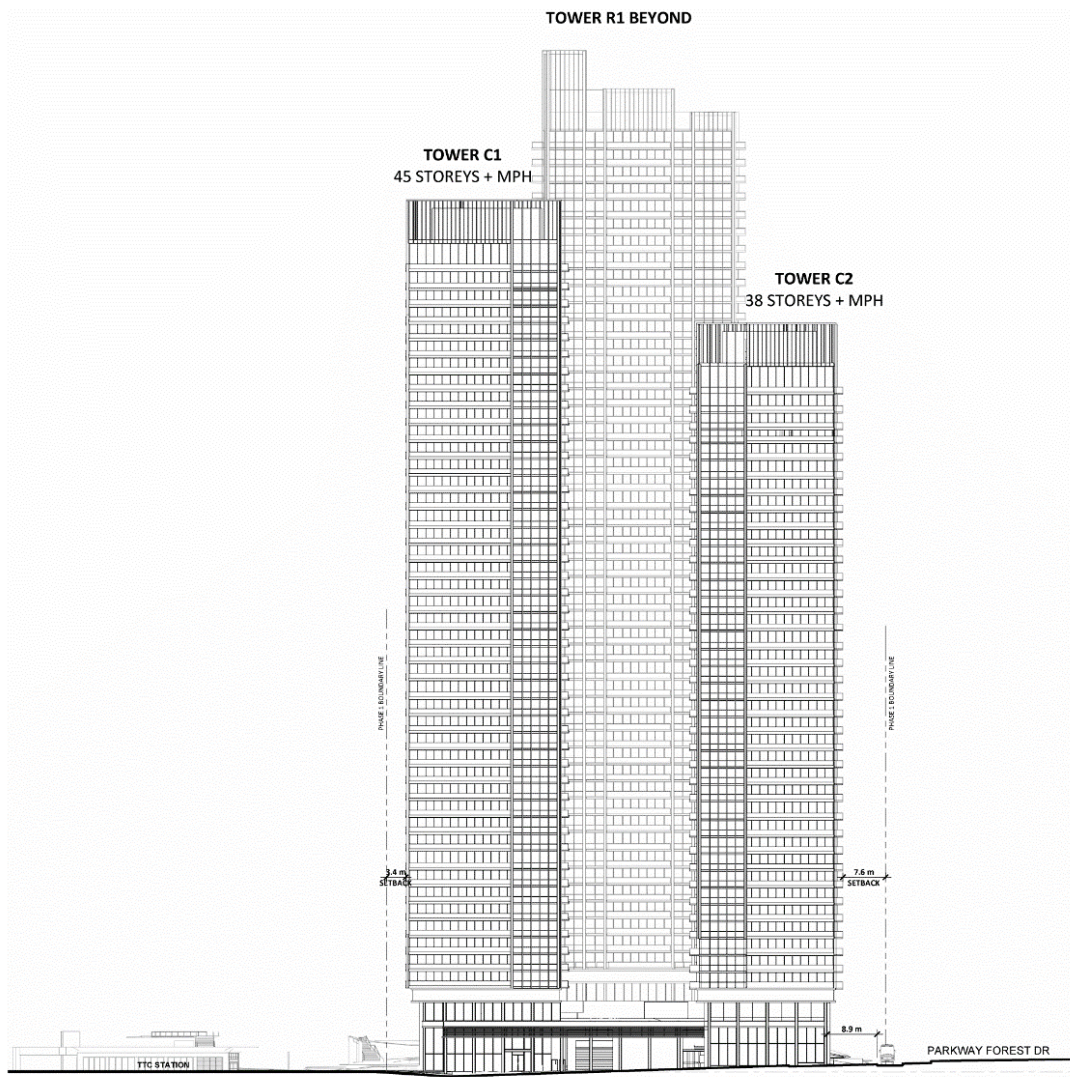


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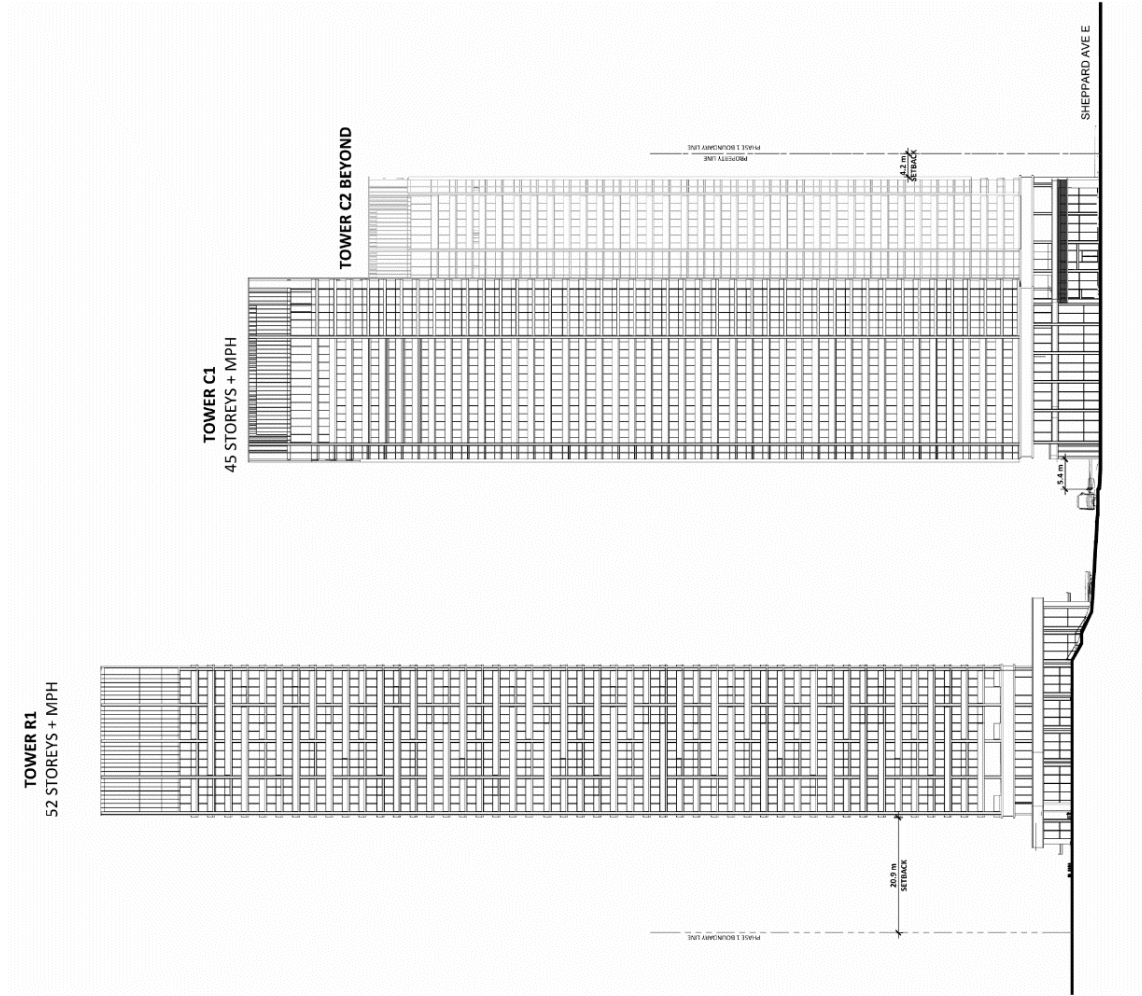


Master Plan Concept (OPA)





South Elevation



West Elevation

