

REPORT FOR ACTION

824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue - Zoning Amendment and Rental Housing Demolition & Conversion Application – Decision Report – Approval

Date: April 12, 2024 To: North York Community Council From: Director, Community Planning, North York District Ward: Ward 6 - York Centre

Planning Application Number: 23 171271 NNY 06 OZ and 20 205924 NNY 06 RH Related Application Numbers: 22 156746 NNY 06 OZ 21 and 187375 NNY 06 SA

SUMMARY

This application proposes to amend the Zoning By-law to change the deployment of the approved density for a 12-storey (44.95 metre inclusive of mechanical) mixed use building, with minor changes to the height and setbacks. The Zoning By-law amendment also proposes to remove the 'rental' tenure term and provides more details with regards to the unit mix of the 15 rental replacement units from Schedule A of By-law 320-2022, which was part of the approval of the Rental Housing application (20 205924 NNY 06 RH). The existing Holding provision will be retained. The resulting overall gross floor area is 20,268 square metres including 328 residential units and 445 square metres of non-residential space.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

The zoning by-law amendment conforms with the Sheppard West/Dublin Secondary Plan to encourage a diversity of office, commercial, institutional and residential uses along Sheppard Avenue West while protecting the adjacent lower-density residential area. The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed development also conforms to the City's Official Plan and the Site and Area Specific Policy 22. It is also generally consistent with the original approved Official Plan Amendment and Zoning By-law Amendment approved by Council in 2022 maintaining a 12-storey building that provides vehicle access off of Sheppard Avenue West. The original Section 37 contribution remains the same.

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

RECOMMENDATIONS

The Director, Community Planning North District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended by By-law 320-2022 for the lands at 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue to be substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report. Other provisions remain unchanged.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment(s) as may be required.

3. City Council amend the following conditions for the application for a Rental Housing Demolition permit at 824 Sheppard Avenue West and 177, 179 and 181 Cocksfield Avenue, approved by City Council on April 6, 2022:

a. Amend Recommendation 7.a) to read "the owner shall provide and maintain fifteen (15) replacement rental dwelling units, comprised of nine (9) two-bedroom units and six (6) three-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as shown on the architectural plans titled 824 Sheppard Avenue West, Rental Floor Plans, dated April 9, 2024. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning"; and

b. Amend Recommendation 7.b) to read "the owner shall, as part of the fifteen (15) replacement rental dwelling units required above, provide all fifteen (15) replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement rental dwelling units is first occupied."

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. If City Council does not make a decision on this Report, there may be financial implications to the City to the current budget year and in future years.

DECISION HISTORY

A Planning Application Checklist Package was provided to the applicant on June 19, 2023. The current application was submitted on June 19, 2023 and deemed complete on March 27, 2024. The Planning Application Checklist and a Preliminary Summary of the application is available here https://www.toronto.ca/city-government/planning-development/application-details/?id=5298149&pid=377796&title=824-SHEPPARD-AVE-W.

The lands were subject to an Official Plan and Zoning By-law Amendment application, City File 20 205918 NNY 06 OZ which culminated in a Decision Report for Approval considered by North York Community Council at its meeting on January 6, 2022. This report recommended approval of the application to amend the Official Plan and Zoning By-law, and the related Rental Housing Demolition Application (City File 20 205924 NNY 06 RH). The lands were rezoned to (H) CR 1.0 (c1.0; r1.0) SS3 (x430) with a holding provision ("H") until such time as a Functional Servicing and Stormwater Management Report is deemed acceptable by the Chief Engineer and Executive Director, Engineering and Construction Services.

This report was forwarded to City Council without recommendations to be considered on February 2, 2022. At this meeting City Council deferred its consideration to the April 6, 2022 meeting of City Council to permit the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Service time to submit a report City Council on:

- developing an alternative entry and exit point for daycare users and residents that removes or amends access from Cocksfield Avenue (a one way side street) and use an alternative route onto and off Sheppard Avenue;
- working with the applicant to review the height of the building; and
- establishing a working group with local residents and the local Councillor to better facilitate the flow of ideas to improve the application and give local residents a stronger voice in the application process.

A Supplementary Report from the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services was considered at the April 6, 2022 meeting which reviewed the changes to the proposal made by the applicant to address the direction of City Council. It recommended that City Council not approve the modified proposal but rather that it approve the original form of the application as outlined in the Final Report considered by North York Community Council at its meeting on January 6, 2022.

This report was amended to approve a development that has vehicular access from Sheppard Avenue West as opposed to Cockfield Avenue and City Council direct that pedestrian access still be maintained from Cocksfield Avenue. This report was adopted by Council on April 6, 2022. Council's decision, with amendments, can be found here: https://secure.toronto.ca/council/agenda-item.do?item=2022.NY29.1

THE SITE

Description

The subject site is located on the north side of Sheppard Avenue West, east of Wilmington Avenue, and on the south side of Cocksfield Avenue. The site is comprised of three properties municipally known as 824 Sheppard Avenue West, 177 Cocksfield Avenue and 179-181 Cocksfield Avenue.

Sheppard Avenue West has an emerging character of midrise, mixed use buildings, while Cocksfield Avenue is a local street characterized by low density residential uses.

The site is generally rectangular in shape, extending in a north-south direction with frontage on Sheppard Avenue West of approximately 32 metres and on Cocksfield

Avenue of approximately 46 metres, a lot depth of approximately 122 metres, and a total lot area of approximately 5178 square metres (0.51 hectares).

Existing Use

The properties municipally known as 824 Sheppard Avenue West and 179-181 Cocksfield Avenue, contain three buildings comprised of two 2-storey buildings oriented in a north-south direction with at-grade commercial/retail uses and 15 residential rental units above. The property of the site municipally known as 177 Cocksfield Avenue contains a 1-storey residential bungalow with driveway access from Cocksfield Avenue.

THE APPLICATION

Description

This application proposes to amend Zoning By-law 320-2022 to change the deployment of the approved density for a 12-storey (44 metres inclusive of mechanical) mixed-use building with 328 dwelling units, including 15 affordable rental units, and to remove the rental tenure description.

Non-Residential Component

The proposal includes 445 square metres of retail space at grade along Sheppard Avenue West.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, a site plan, and elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <u>https://www.toronto.ca/city-government/planning-development/application-details/?id=5298149&pid=377796</u>

Reasons for Application

The rental tenure of the approved development is secured in the site-specific by-law and section 37 agreement, which necessitates a new Zoning By-law Amendment application to modify the approved development and in-force zoning by-law from purpose-built rental tenure to freehold condominium. The proposal continues to provide for the 15 replacement rental dwellings with further details of the unit breakdown.

APPLICATION BACKGROUND

Application Requirements

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

- Planning and Urban Design Rationale
- Sun and Shadow Study
- Toronto Green Development Standards Checklist and Statistics
- Functional Servicing and Stormwater Management Report
- Transportation Study

The reports and studies submitted by the applicant are available on the City's

Application Information Centre (AIC): <u>https://www.toronto.ca/city-government/planning-development/application-details/?id=5298149&pid=377796</u>

Agency Circulation Outcomes

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

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, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The Official Plan Urban Structure Map 2 identifies the site as *Avenues*. The land use designation for the site is *Mixed Use Areas*. See Attachment 3 of this report for the Land Use Map. 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.

The Official Plan can be found here: <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/</u>.

Sheppard West/Dublin Secondary Plan

The application is also designated *Mixed Use Area 'B'* in the Sheppard West/Dublin Secondary Plan on Map 23-1. The preferred form of mixed use development on lands designated *Mixed Use Area 'B'* will contain ground floor commercial uses with upper floor residential uses. The Secondary Plan permits densities and heights based on lot frontage and combination of proposed uses. The maximum height permitted is 5 storeys and the maximum density permitted is 2.0 times the area of the lot as the lot has a frontage over 30 metres and is proposing a mix of residential and commercial uses.

The objective of the Secondary Plan is to encourage and maintain a diversity of residential, institutional, service commercial, office and open space uses along the corridor stretching from Bathurst Street in the east, towards Allen Road and the Sheppard West Subway Station in the west.

The Sheppard West/Dublin Secondary Plan can be found here: https://www1.toronto.ca/planning/23-sheppard-west-dublin.pdf

Site and Area Specific Policy

SASP 561 of the Official Plan identifies the site within the Sheppard West/Dublin Secondary Plan that applies to the site permitting a mixed-use building with grade related non-residential uses, having a maximum density of 4.0 times the lot area and with a maximum height of 12 storeys and 46 metres (including mechanical penthouse).

Zoning

The subject site is zoned (H) CR 1.0 (c1.0; r1.0) SS3 (x430) under Zoning By-law 569-2013. The site-specific zoning category permits a 12-storey (44.95 metre) mid-rise building with 20,500 square metres of gross floor area ("GFA"), including 500 square metres of non-residential uses. See Attachment 4 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:

- Mid-Rise Building Performance Standards
- Growing Up: Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines

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

Toronto Green Standard

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.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No. 21 187375 NNY 06 SA) and is under review.

COMMUNITY CONSULTATION

As of the writing of this report, a Community Consultation Meeting is scheduled for May 7. 2024. <u>A supplemental report will be prepared for the May 8th North York Community Council.</u>

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

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) and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

This application has been reviewed against the Official Plan policies and Secondary Plan policies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole.

Given the objective of the Sheppard West/Dublin Secondary Plan is to encourage and maintain a diversity of residential, institutional, retail, service commercial, office and open space uses in the Secondary Plan Area. The proposal is in conformity with the Secondary Plan.

The site is designated *Mixed Use Area 'B'* in the Sheppard West/Dublin Secondary Plan. The preferred form of mixed use development on lands designated *Mixed Use Area 'B'* will contain ground floor commercial uses with upper floor residential uses. The proposal achieves this with the retail use at grade and residential use above. As such, the land use proposed by the applicant is appropriate and can be supported by staff.

Tenure

The in-place zoning and Section 37 provisions secured all dwelling units on the site as rental tenure for a period of 20 years. Section 2(iv) of Schedule A to the Original By-law includes the following provision:

The Owner shall provide and maintain all new residential dwelling units on the subject site as rental tenure for a period of at least 20 years beginning from the date that each new residential dwelling unit is first occupied, as generally illustrated in the plans submitted to the City Planning Division dated July 16, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

This current application proposes to delete Section 2(iv) of Schedule A of the in-place zoning thereby modifying the original proposal by removing the rental tenure of the dwelling units while retaining the 15 rental replacement units. The current application has also been modified to provide for the rental replacement units to be located in one continuous area on Level 1 and the Mezzanine Level. The proposed changes will contribute to achieving new housing supply, with an increase to the number of dwelling units from 263 to 328, including the 15 rental replacement units.

Massing

This application has been reviewed against the Official Plan policies, secondary plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report. The Official Plan requires that development will be located and organized to fit with its existing and/or planned context, define and frame the edges of the public realm with good street proportion, and ensure access to direct sunlight and daylight on the public realm. The objective of these policies is to create healthy, livable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods and also ensuring that the *Avenues* develop in an appropriate and context-sensitive manner.

The proposed redeployment of the approved density for a 12-storey mixed use building results in a shift in massing from the north along Cocksfield Avenue to the podium

element along Sheppard Avenue West. The 6-storey portion along Cocksfield Avenue would continue to have a 3-storey podium to frame the street. The 3-storey element would be setback 4.5 metres from the north lot line, with an additional 3.6 metre stepback above. Along Sheppard Avenue West, the building will continue to comprise a stepped 12-storey element, with the previously 5-storey podium along the street frontage shifting to 6-storeys. There are some minor changes to height and setbacks as indicated in Diagram 3 of the draft zoning by-law (see Attachment 5) but the overall built form of the approved and in-place zoning is maintained.

The proposed building massing and mechanical penthouse along Sheppard Avenue West slightly protrude into the 45 degree front angular plane identified in the Mid-Rise Guidelines, which is measured from 80 percent of the right-of-way width, from a height of 28.8 metres from the property line. While there is a slight protrusion into the front angular plane along Sheppard Avenue West, the overall building massing provides an appropriate scale of development along Sheppard Avenue and an appropriate transition to the stable residential neighbourhood immediately north of the site.

The proposed building massing along Cocksfield Avenue is lower in scale than on Sheppard Avenue and includes a building stepback above 3 storeys (16 metres) in height, which provides a pedestrian-scaled streetwall that is compatible with the neighbourhood context.

Sun, Shadow

This application has been reviewed against the official plan policies and/or secondary plan policies and/or planning studies and/or design guidelines described in the Policy and Regulation Considerations Section of the Report.

The Official Plan sets out that new development will adequately limit any resulting shadowing of neighbouring streets and properties, having regard for the varied nature of such areas. In addition, the Official Plan states that development in *Mixed Use Areas* locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*. The submitted shadow analysis demonstrates that the proposed maximum building height results in minimal shadowing on nearby residential properties in the *Mixed Use Areas* and *Neighbourhoods* designations during the spring and fall equinoxes.

Servicing

Due to ongoing sanitary servicing capacity issues along Sheppard Avenue West, staff recommended that the subject lands continue to be zoned with a Holding provision ("H") until such time as a Functional Servicing and Stormwater Management Report is submitted and deemed acceptable by the Chief Engineer and Executive Director, Engineering and Construction Services and satisfactory arrangements are made with Engineering & Construction Services and/or appropriate agreement(s) are entered into with the City for the design and construction of any required improvements to municipal infrastructure. The removal of the holding provision will be dealt with through the related 22 156746 NNY 06 OZ application.

Unit Mix

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal is for a freehold condominium and affordable rental housing unit mix that meets the Growing Up Guidelines.

The proposal meets the general intent of the Growing Up Guidelines requirements for the family-sized dwelling units: of the 328 proposed dwelling units, 61 are two-bedroom (19%) and 13 are three-bedroom units (4%). There is a greater percentage of two-bedroom units which will offset a smaller number of 3-bedroom units. Staff will continue discussions with the applicant to further refine this through the related Site Plan Control application.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition application to demolish and replace 15 existing twobedroom rental units at 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue was approved by City Council on April 6, 2022.

The applicant has submitted a revised proposal to replace the existing 15 two-bedroom rental units with 9 two-bedroom units and 6 three-bedroom units. The revised proposal increases the total replacement rental gross floor area that was previously approved. Tenants returning to the three-bedroom replacement units would still reserve the right to return at similar rents. City Planning is satisfied with the revised replacement strategy.

There are no further changes to the Council approved Rental Housing Demolition application. As the owner has not yet entered into a Section 111 agreement, the revised unit mix and replacement gross floor area will be included in the agreement.

Parkland

In accordance with Section 42 of the Planning Act, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Given the current rise in dog-owning populations, the Owner is expected to provide onsite dog amenities with proper disposal facilities such as dog relief stations within the building premises to accommodate future residents' needs. This will also help alleviate pressure on public parkland.

Tree Preservation

The applicant is required to prepare a satisfactory tree protection plan that shows all trees to be retained, removed, and all tree protection fencing. The submission of satisfactory landscape plans with tree replanting will be addressed through the Site Plan Control process.

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 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. Tier 1 of the TGS includes performance measures for cycling infrastructure and 271 bicycle parking spaces will be secured through the zoning by-law amendment. Other detailed performance measures for the Tier 1 development features will be secured through the Site Plan Approval process.

Access, Bicycle Parking, Vehicle Parking and Loading

A private driveway would access the site from Sheppard Avenue West. It would provide vehicular access to one drop off area, the underground parking garage, and 1 Type 'G' loading space. A pedestrian "breezeway" style mid-block connection is proposed to allow pedestrians to pass through the site from Sheppard Avenue West to Cocksfield Avenue.

There would be two levels of underground parking containing a total of 218 parking spaces, including 44 electric vehicle charging spaces, 8 barrier-free parking spaces, and 18 parking spaces for commercial uses and visitors. There would also be a total of 271 bicycle parking spaces, including 248 residential long-term spaces and 23 short-term spaces.

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) and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Furthermore, the proposal conforms to the Official Plan. Staff recommend that Council support approval of the application.

CONTACT

Kelly Snow, Planner, Community Planning Tel. No. (416) 395-7124 E-mail: Kelly.Snow@toronto.ca David Sit, MCIP RPP, Director Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

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

Applicant Submitted Drawings

Attachment 6: Site Plan Attachment 7: Elevations Attachment 8: 3D Massing Model Attachment 1: Application Data Sheet

Municipal Address:	824 SHEPPARD A W	AVE Date Received:	July 7, 2023				
Application Number:	23 171271 NNY 06 OZ						
Application Type:	OPA / Rezoning, Rezoning						
Project Description:							
Applicant BOUSFIELDS INC	Agent	Architect Architecture Unfolded	Owner ACLP-SHEPPARD AVENUE GP INC.				
EXISTING PLANNING	CONTROLS						
Official Plan Designation	on: Mixed Use Are	as Site Specific Prov	vision: Y				
Zoning:	(H) CR 1.0 (c1 r1.0) SS3 (x43	HARITANA LIASIANA	tion: N				
Height Limit (m):	44	Site Plan Control	Area: Y				
PROJECT INFORMATION							
Site Area (sq m): 4,73	37 Front	age (m): 32.32	Depth (m): 123				
Building Data Ground Floor Area (sq Residential GFA (sq m) Non-Residential GFA (sq Total GFA (sq m): Height - Storeys: Height - Metres:): 1,609	2,03	000 20,000 500				
Lot Coverage Ratio (%):	52.4						
Floor Area Breakdown Residential GFA: Retail GFA: Office GFA: Industrial GFA: Institutional/Other GFA	Above Grade (s 19,824 445	sq m) Below Grade 0 0	(sq m)				

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	14		15	15
Freehold:	1		0	0
Condominium: Other:			313	313
Total Units:	15		328	328

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroor & 1 BR + Den	n 2 Bedroom	3+ Bedroom
Retained:					
Proposed:		4	250	61	13
Total Units:		4	250	61	13
Parking and L	oading				
Parking Spaces:	218	Bicycle Parkir	ng Spaces:	271 Loading D	ocks: 1

CONTACT:

Kelly Snow, Planner, Community Planning (416) 395-7124 Kelly.Snow@toronto.ca

Attachment 2: Location Map







Official Plan Land Use Map 16

Location of Application
Neighbourhoods
Mixed Use Areas

824 Sheppard Avenue West File # 23 171271 NNY 06 0Z



Attachment 4: Existing Zoning By-law Map





RM5

RM6

Multiple-Family Dwellings Sixth Density Zone

Residential Townhouse Residential Multiple

Residential Apartment

Commercial Residential

RACR

Attachment 5: Draft Zoning By-law Amendment - 569-2013

Attachment 6: Site Plan



Attachment 7: Elevations



East Elevation



North Elevation

Attachment 7: Elevations



South Elevation



West Elevation

Attachment 8: 3D Massing Model

