

## **234 Sheppard Avenue West and 223 Harlandale Avenue – Official Plan Amendment, Zoning By-law Amendment – Decision Report – Refusal**

Date: May 20, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

**Planning Application Number:** 24 234048 NNY 18 OZ

### **SUMMARY**

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This report recommends refusal of the application to amend the Official Plan and Zoning By-law to permit the development of a 4-storey residential condominium building with 15 units fronting onto Harlandale Avenue, and an 11-storey mixed-use building with 43 rental residential units and 136 square metres of retail at-grade fronting onto Sheppard Avenue West. The total gross floor area of both buildings would be 3,784 square metres, resulting in a density of 3.45 times the combined area of the lots. The 11-storey building fronting onto Sheppard Avenue West has a gross floor area of 2,783 square metres, resulting in a density of 5 times the lot area.

The buildings are connected through a one level of below-grade parking, providing 15 parking spaces, including 6 visitor spaces. Shared driveway access to the site is proposed from Senlac Road, leading to two at-grade pick-up and drop-off spaces located at rear of the 11-storey building.

Staff are of the opinion that the proposed scale and massing of the 11-storey building is inappropriate for the subject site, and represents an overdevelopment of the site that is not appropriate for the local context and does not implement the vision for the Sheppard Avenue West corridor in the Sheppard Lansing area. Staff are of the opinion that the proposed development is not consistent with the Provincial Planning Statement (2024). The proposed development does not represent good planning and fails to conform to the City's Official Plan and does not meet the intent of key performance standards recommended by the Mid-rise Building Design Guidelines.

## RECOMMENDATIONS

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The Director, Community Planning North York District recommends that:

1. City Council refuse the applications for the Official Plan Amendment and Zoning By-law Amendment (Application No. 24 234048 NNY 18 OZ) for the lands municipally known as 234 Sheppard Avenue West and 223 Harlandale Drive for the reasons identified in this Report.
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 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. City Council authorize the City Solicitor, together with appropriate City Staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the applications, in the event that the decision is appealed to the Ontario Land Tribunal.
7. City Council authorize the City Solicitor and other appropriate City Staff to take any necessary steps to implement City Council's decision, including requesting any conditions of approval that would be in the City's interest, in the event an appeal of City Council's decision is allowed by the Ontario Land Tribunal, in whole or in part.

## FINANCIAL IMPACT

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The Development Review 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

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A pre-application consultation (PAC) meeting for the current application was held on March 7, 2024. The Official Plan amendment and zoning by-law amendment application was submitted on November 15, 2024 and deemed complete on Jan 14, 2025. A Preliminary Summary of the application is available here:

[www.toronto.ca/234SheppardAveW](http://www.toronto.ca/234SheppardAveW)

## THE SITE AND SURROUNDING LANDS

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### Description

The subject site is comprised two parcels of land municipally known as 223 Harlandale Avenue and 234 Sheppard Avenue West. The site is located at the northeast corner of the Sheppard Avenue West and Senlac Road intersection. The site is narrow in width (15.24 metres) and rectangular in shape. Each property is approximately 546 square metres in size, resulting in a gross lot area of approximately 1,092 square metres. The subject site has a lot frontage of 15.24 metres on Sheppard Avenue West and Harlandale Avenue, and has a depth of 71.72 metres.

See Attachment 2 for the Location Map.

### Surrounding Uses

North: Established low-rise residential neighbourhood, containing one and two-storey detached dwellings.

South: A mix of one and two storey detached dwellings fronting onto Sheppard Avenue West, and commercial and medical offices in detached dwellings and two to three storey buildings.

East: The Jamaica Liaison Service building is located immediately adjacent to the subject site. Further east, predominately commercial office uses front onto Sheppard Avenue West in one and two-storey detached dwellings, and in office buildings up to three storeys.

West: Senlac Road and a two-storey commercial plaza with a surface parking fronting onto Sheppard Avenue West. To the north of this, along Senlac Road is the Chartwell Lansing Retirement Residence.

## THE APPLICATIONS

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## **Description**

A 4-storey residential condominium building with 15 units is proposed on 223 Harlandale Avenue, and an 11-storey mixed-use building with 137 square metres of retail space at-grade and 43 rental dwelling units are proposed on 234 Sheppard Avenue West. The buildings share 15 parking spaces, including 6 visitor spaces, and driveway access from Senlac Road. The 4-storey building has a height of 12.25 metres (15.45 metres including the mechanical penthouse) and the 11-storey building has a height of 34 metres (37.20 metres including the mechanical penthouse).

## **Density**

The total gross floor area of both buildings would be 3,784 square metres, resulting in a density of 3.45 times the combined area of the lots. The 11-storey building fronting onto Sheppard Avenue West has a gross floor area of 2,783 square metres, resulting in a density of 5 times the lot area. The 4-storey building fronting onto Harlandale Avenue has a gross floor area of 1,000 square metres, resulting in a density of 1.83 times the lot area.

## **Residential Component**

The 4-storey component of the building has 15 units, with 9 one-bedroom (60%), 2 one-bedroom plus den (13.5%), 3 two-bedroom (20%), and 1 three-bedroom unit (6.5%).

The 11-storey component of the building has 43 units, with 1 studio (2.3%), 17 one-bedroom (39.5%), 13 one-bedroom plus den (30.2%), 6 two-bedroom (14%), and 6 three-bedroom (14%).

## **Non-Residential Component**

The proposal includes 137 square metres of retail space on the ground floor of the 11-storey building. The retail space is divided into two units, one 97.71 square metre unit fronting Sheppard Avenue West, and a 39.88 square metre unit fronting Senlac Road. Entrances to the commercial units are provided from the public sidewalk on Sheppard Avenue West and Senlac Road.

## **Access, Parking and Loading**

The proposal includes a total of 15 vehicular parking spaces, including 6 visitor parking spaces provided in one level of underground parking shared between the two buildings. There are 40 long-term bicycle parking spaces provided in the underground parking structure, and 5 short-term bicycle parking spaces are provided at-grade. Ten additional publicly accessible bicycle parking spaces are provided at-grade as per Toronto Green Standard performance measure AQ 2.6. A shared Type 'C' loading space and two pick-up/drop-off spaces are located at the rear of the 11-storey building. Access to loading, surface, and below grade parking is provided from Senlac Road via a new 6 metre wide driveway. The proposal meets the parking requirements of City of Toronto Zoning By-law 569-2013.

A 4.89 metre road conveyance is required along Sheppard Avenue West to meet the Official Plan requirement for a 36 metre right-of-way width.

### **Additional Information**

See the attachments of this Report for the Application Data Sheet, Location Map, a site plan, elevations, and 3D massing views 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: [www.toronto.ca/234SheppardAveW](http://www.toronto.ca/234SheppardAveW)

### **Reasons for Application**

An Official Plan Amendment application is required because the proposal does not conform to the height, density, servicing, screening and other policy directions of the Sheppard Lansing Secondary Plan. The application also proposes to amend Chapter 7 of the Official Plan to add a site and area specific policy applying to 223 Harlandale Avenue to permit a 4-storey apartment building on the lands.

The property at 234 Sheppard Avenue West is subject to former City of North York Zoning By-law 7625 and that part of the site is not currently zoned under City of Toronto Zoning By-law 569- 2013. The Zoning By-law Amendment proposes to bring the site into the City-wide Zoning By-law 569-2013, applying the Commercial Residential (CR) zone category to the entire site. 223 Harlandale Avenue is zoned Residential Detached (RD) Zone in City-wide Zoning By-law 569-2013.

The zoning by-law amendment proposes to apply the same Commercial Residential (CR) zone category to 234 Sheppard Avenue West and 223 Harlandale Avenue and create site specific standards to permit the development. The current zoning for on either property does not permit the proposed building heights, density, lot coverage, setbacks and building types.

## **APPLICATION BACKGROUND**

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A pre-application consultation (PAC) meeting was held on March 7, 2024.

The current application was submitted on November 15, 2024 and deemed complete on January 14, 2025, satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the Application Information Centre: [www.toronto.ca/234SheppardAveW](http://www.toronto.ca/234SheppardAveW)

### **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**

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## 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 Planning Statement (2024), and shall conform to other provincial plans.

## Official Plan

The subject site is designated both *Mixed Use Areas* and *Neighbourhoods* on Land Use Map 16. The property fronting onto Sheppard Avenue West is designated *Mixed Use Areas*, and the property fronting onto Harlandale Avenue is designated *Neighbourhoods*. See Attachment 3 of this Report for the Land Use Map.

The *Mixed Use Areas* designation contemplates a broad range of residential uses, institutional uses, offices, retail and services, entertainment, recreation, and parks and open space. The Official Plan anticipates *Mixed Use Areas* will absorb a large amount of the expected growth within the city, however, not all areas will experience the same scale or intensity of development.

*Neighbourhoods* are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policy 4.1.5 states that development in *Neighbourhoods* is expected to “respect and reinforce” the existing physical character of the neighbourhood including in particular:

- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s); and
- prevailing patterns of rear and side yard setbacks and landscaped open space.

Development in *Mixed Use Areas* is subject to a number of development criteria in Section 4.5.2 of the Official Plan. Development in *Mixed Use Areas* will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale;
- provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- provide an attractive, comfortable and safe pedestrian environment;
- locate and screen service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences; and,
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development, among other requirements.

The Official Plan contains policies in Chapter 2 with regards to Healthy Neighbourhoods and how development which is adjacent or close to *Neighbourhoods* should be undertaken. Intensification of land which is adjacent to neighbourhoods should be carefully controlled so that neighbourhoods are protected from negative impact. Development in *Mixed Use Areas* which is adjacent or close to *Neighbourhoods* will:

- be compatible with the *Neighbourhood* it is adjacent or close to;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*
- Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Map 2 of the Official Plan identifies this segment of Sheppard Avenue West as an *Avenue*. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities which improve the pedestrian environment, streetscape, shopping opportunities and transit service for community residents. The *Avenue* designation applies only to the lands which front Sheppard Avenue West and does not apply to the lands on Harlandale Avenue.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. Sheppard Avenue West is identified as a *major street* on Map 3 of the Official Plan with a planned right-of-way width of 36 metres. The applicant is required to provide a widening of the boulevard across the Sheppard Avenue West frontage to contribute to achieving this right-of-way width.

Chapter 3, Building a Successful City, contains Built Form policies in Section 3.1.3 that relate to ensuring that new development in the city can fit harmoniously within the existing and planned context. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façades fit within the existing and planned context of the neighbourhood and the City. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the building and the use of setback and stepbacks of building mass.

Chapter 3 also contains policy direction with respect to the public realm and built form. Sidewalks and boulevards will be designed to provide safe, attractive, interesting and

comfortable spaces for users through coordinated tree planting and landscape improvements in setbacks, and direct pedestrian routes.

Section 5.3.1.3 of the Official Plan provides that amendments to the Official Plan that are not consistent with its general intent will be discouraged

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

## **Secondary Plan**

The Sheppard Lansing area is defined in the Sheppard Lansing Secondary Plan (SLSP) as a linear corridor consisting of the lots primarily fronting onto Sheppard Avenue West. Development on these lots will be designed around the Sheppard Avenue West promenade, and appropriate land uses and built form within the *Mixed Use Areas* will reinforce the public realm of Sheppard Avenue West and be compatible with and provide transition to the adjacent stable residential *Neighbourhoods*.

The SLSP identifies the subject site as *Mixed Use Area 'B'*, which permits buildings up to 6 storeys in height with a maximum Floor Space Index of 2.5 times the area of the lot. The *Mixed Use Area 'B'* designation permits financial institutions; institutional uses; office uses; retail and service commercial uses; residential uses in a townhouse or apartment form; and parks and open spaces.

The SLSP directs that development within *Mixed Use Areas 'B'* will include boulevard improvements to the public realm of Sheppard Avenue West consisting of wider pedestrian sidewalks, installation of street furniture, and tree planting. Landscaped setbacks on Sheppard Avenue West will be used to screen residential uses located at-grade from street activity. Development will be compatible with, and provide appropriate transition and separation to, the adjacent stable residential *Neighbourhoods* through the application of measures such as step-backs, a 45 degree rear angular plane, a 7.5 metre rear yard setback and opaque fencing with a 1.5 metres wide landscape strip with intensive landscaping along the rear property line.

The Built Form policies of the SLSP encourage consolidation of lots along Sheppard Avenue West to have a minimum frontage of 30 metres to reduce curb cuts, provide active frontages, and support the public realm. Comprehensive assemblies are encouraged to prevent piecemeal development and to achieve the public realm objectives of the SLSP.

The Sheppard Avenue West and Senlac Road intersection is identified as a Higher Order Pedestrian Zone in the SLSP. Policy 5.4 directs that Higher Order Pedestrian Zones will be provided at main crossings and will provide shorter distances for street crossing and more visible crossing facilities. Landscaped and amenity space with corner extensions will be created, and opportunities will be provided to activate corners for commercial activities.



The Sheppard Lansing Secondary Plan can be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law0123.pdf>

## **Zoning**

The property at 234 Sheppard Avenue West is zoned *General Commercial (C1)* under the former City of North York Zoning By-law 7625. The C1 zone category permits residential uses in detached and semi-detached dwellings, duplexes, and apartment house dwellings. Hospitals, nursing homes, religious institutions and a broad range of commercial uses are also permitted. The C1 zoning category has a maximum building height of 3 storeys (9.2 metres) and a maximum lot coverage of 33.3%.

The property at 223 Harlandale Avenue West is zoned Residential Detached (RD) under the City-wide Zoning By-law 569-2013. The RD zone category permits detached and semi-detached dwellings, multiplexes, and garden suites. A small range of non-residential uses are permitted such as private home daycares, places of worship and community centres. The RD zone category permits a maximum height of 10 metres and requires a minimum side yard setback of 1.80 metres.

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 Design Guidelines \(2024\)](#)
- [Mid-Rise Building Performance Standards \(2010\)](#)
- [Townhouse and Low-rise Apartment Guidelines](#)
- [Growing up Guidelines: Planning for Children in New Vertical Communities](#)
- [Retail Design Manual](#)
- [Toronto Accessibility Design Guidelines](#)

## **Toronto Green Standard**

The Toronto Green Standard (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 TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

## **PUBLIC ENGAGEMENT**

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## Community Consultation

On March 25, an in-person community consultation meeting took place hosted by City staff. The meeting was held at Earl Bales Community Centre from 7:00 pm to 9:00 pm. Approximately 17 members of the public attended, as well as the Ward Councillor. Following presentations by City staff and the applicant, the following comments and issues were raised by attendees:

- Concerns about the height of the 11-storey building and width of the site
- Too many units on the site and not enough family sized units
- Transition in scale to adjacent properties
- Preserving privacy on the east side of the 4-storey building
- Potential shadow impacts on neighbouring properties and Senlac Road
- Traffic impacts on Harlandale Avenue and conflict with traffic flows from the Chartwell Long-Term Care Home across Senlac Road.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

## COMMENTS

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### Provincial Planning 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 have reviewed the current proposal for consistency with the Provincial Planning Statement (2024) (PPS). Staff find the proposal to not be consistent with the PPS.

While the development proposes intensification and a mix of uses promoted by the PPS, the proposed development is not consistent with the PPS as it does not propose a form of development that is appropriate for the local context and fails to support the achievement of complete communities.

The application has also not demonstrated that there is adequate capacity to support the proposed development. Policy 3.6.1 of the PPS (2024) directs that growth should be accommodated in a manner that promotes the efficient use and optimization of existing municipal sewage services and that servicing and land use considerations are integrated throughout all stages of the planning process. The application has not demonstrated that the proposal can be accommodated by existing municipal services. As such, further information is required to be submitted to the City for review to determine if there is infrastructure capacity to support the proposal and to address existing sewers on the site.

### Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies including Sheppard Lansing Area Secondary Plan policies and design guidelines.

## Land Use

The application proposes non-residential uses on the ground floor of the 11-storey building and residential uses above. The proposed mix of uses is acceptable.

The application proposes to apply the Commercial Residential (CR) zone category to the subject site, including on 223 Harlandale Avenue which is designated *Neighbourhoods* and zoned Residential Detached (RD). The proposed Zoning By-law, while appropriately applying the CR Zone to 234 Sheppard Avenue West, inappropriately zones the 223 Harlandale Avenue property with a CR Zone. The majority of uses, performance standards and building types in the CR Zone are not permitted in *Neighbourhoods*. The proposed Official Plan Amendment did not apply to change the in-effect land use designation from *Neighbourhoods* to another land use designation.

While the Official Plan contemplates apartment buildings up to 4-storeys in *Neighbourhoods*, physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing character. The development criteria in Policy 4.1.5 requires new development in *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood including the prevailing dwelling type of nearby residential properties.

Harlandale Avenue and the surrounding neighbourhood is predominately characterized by one- to two-storey detached dwellings with rear and front landscaped yards. There is an existing 3-storey long-term care home west of the subject site fronting onto Senlac Road. While it is recognized that the applicant has submitted an Official plan amendment for this property to allow for the 4 storey apartment building, further improvements will need to take place in order for the use to be appropriate in this location. These are further described in the preceding sections.

## Density, Height, Massing

This application has been reviewed against the Official Plan and SLSP policies and design guidelines described in the Policy and Regulation Considerations Section of this report.

Staff are of the opinion that the proposed height and density represent an overdevelopment of the site, and results in a massing and scale that is not compatible with the surrounding context, does not conform to the applicable policies of the Official Plan and SLSP, and does not meet the intent of the relevant design guidelines.

The SLSP permits a density equal to a Floor Space Index ("FSI") of 2.5 times the area of the site. The density permissions in the Secondary Plan are the result of extensive study of the area and consultation with the community to develop the vision and objectives for the Sheppard Lansing area, subsequently approved by the former Local Planning Appeal Tribunal. The permitted densities are intended to facilitate a less-intensive form of development along the Sheppard Avenue West corridor in comparison to areas such as the North York Centre (and its associated Secondary Plan) to the east, where more intensive development is planned to occur. The application proposes a FSI

of 5.0 for the 11-storey building, which exceeds the gradual intensification of the *Avenue* that the SLSP envisions.

While the proposed building height of 11-storeys (36 metres) is proportional to the width of the Sheppard Avenue West right-of-way, the application also proposes a 9-storey (28.1 metre) streetwall height on Sheppard Avenue West, with step-backs provided from Sheppard Avenue West at the 10th, 11th and mechanical penthouse levels. The existing streetwall heights along Sheppard Avenue West are predominately two- to three-storeys, and streetwall heights of approved development within the SLSP area are generally no higher than 6-storeys.

The massing policies in the SLSP requires development to incorporate step-backs along Sheppard Avenue West to create a consistent streetwall at a comfortable scale for pedestrians and to integrate new buildings into the existing context. The Official Plan also directs that streetwalls be designed to fit harmoniously within the existing and planned context of neighbouring building heights at the street edge and to respect the scale, character and proportion of adjacent streets. The proposed streetwall height of 9 storeys on Sheppard Avenue West is not compatible with the existing or planned context on Sheppard Avenue West, and does not contribute to a creating a consistent streetwall that is comfortable for pedestrians.

The SLSP encourages lot consolidation along Sheppard Avenue West to create sites with a minimum frontage of 30 metres. The subject site measures only 15 metres in width, resulting in a smaller site size that cannot accommodate appropriate east-west step-backs above the streetwall relative to the scale of the development. As a result of the narrow lot, there are no building step-backs provided on the east and west sides, resulting in an 11-storey streetwall on Senlac Road and a blank wall on the east side. Improvements to the streetwall height along Senlac are required to ensure the building is of a better street proportion and pedestrian scale. The proposal does not conform to the built form and public realm policies of the Official Plan and also does not meet the intent of the Mid-Rise Building Design Guidelines, which recommend stepping back building massing above the streetwall height along the front building faces to mitigate the perception of height and create a comfortable pedestrian-scaled massing along the street.

The Mid-rise Building Design Guidelines discourage blank walls, and recommends that mid-rise buildings in main street or emerging main street contexts be built to the side property lines up to the height of the streetwall, and stepping back above the streetwall to achieve sky views and sunlight access onto the public sidewalk. The proposed 11-storey building is setback 0 metres from the east lot line and no step-backs are proposed to reduce the extent of the blank side wall.

The narrow width of the subject site also resulting in the smaller site size that cannot accommodate an appropriate building setback from Senlac Road relative to the scale of the development. The building is setback 0.50 metres at-grade and the remaining building above the first storey is setback 0 metres from the property line on Senlac Road. The proposed sidewalk zone on Senlac Road is approximately 3.8 metres to 4.6 metres wide, and is insufficient to achieve appropriate planting and other streetscape

improvements. The setback along Senlac Road should be increased to achieve a better pedestrian realm along Senlac Road.

The development criteria in policy 4.1.5 of the Official Plan requires new development to respect and reinforce the prevailing heights, massing, scale and prevailing patterns of side yard setbacks in the geographic neighbourhood. Directly east of the subject site on Harlandale Avenue is a one-storey detached dwelling in the *Neighbourhoods* designation and Residential Detached zone. The 4-storey building proposed on Harlandale Avenue has a height of 12.25 metres (15.45 metres including the mechanical penthouse), whereas the maximum building height in the Residential Detached zone is 10 metres. A pattern of redevelopment that generally exceeds the maximum height has not been approved on Harlandale Avenue. Further, the application proposes an east side yard setback of 1.30 metres, whereas Zoning By-law 569-2013 requires a minimum setback of 1.80 metres to allow for a landscape strip and for daylight and sunlight access. While an OPA has been submitted, additional improvements to the height and setbacks are warranted.

### **Public Realm & Streetscape**

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report.

The Official Plan Built Form policies in Chapter 3 state development should provide pedestrian amenity in the public realm and make areas adjacent to streets comfortable and attractive by making improvements to boulevards and sidewalks, prioritizing street trees and co-ordinated landscape improvements in setbacks to provide attractive and safe transitions between the private and public realms.

The building is setback 1.0 metre from Sheppard Avenue West, which provides for a pedestrian clearway from the curb face of Sheppard Avenue West to the building face that is wide enough for tree planting and 2.1 metre wide sidewalk. The distance would be consistent with other recent applications on Sheppard Avenue West.

The SLSP identifies Sheppard Avenue West and Senlac Road intersection as a Higher Order Pedestrian Zone. The SLSP directs landscaped and amenity space with corner extensions will be created at Higher Order Pedestrian Zones, and opportunities will be provided to active corners for commercial activities. While the 11-storey building contains two retail units on the ground floor with frontage on the Senlac Road and Sheppard Avenue West corner, the proposed sidewalk zone on Senlac Road is narrow and may impede the flow of pedestrian foot traffic arising from both proposed residential and retail activities. Additional setbacks from Senlac Road are needed to accommodate pedestrian flow at the corner.

Aspects of the Soil Volume Plan do not demonstrate the site's compliance with Toronto Green Standard EC 1.1 – Tree Planting Areas and Soil Volume or EC 1.2 – Trees Along Street Frontages. Official Plan Natural Environment Policy 3.4.1 recommends that changes to the built environment be environmentally friendly by providing suitable growing conditions for trees, increasing canopy coverage, and enhancing tree diversity. The current design fails to maximize tree planting opportunities across the site, as there

are no new tree plantings proposed on the Senlac Road frontage, and Urban Forestry staff have identified opportunities for additional tree planting in the front yard of the 4-storey apartment building.

In summary, the location of the proposed buildings do not allow comfortable sidewalk zone for pedestrians or tree planting opportunities on Senlac Road, thereby falling short of the Official Plan's directives to make areas adjacent to streets attractive, comfortable and functional for pedestrians and enhance the urban forest and environmental quality. At minimum, there should be enough room provided that allows for pedestrian movement and adequate tree planting along Senlac Road.

### **Sun, Shadow, Wind Impact**

The Official Plan requires buildings in *Mixed Use Areas* to be located and massed to limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. The applicant submitted a shadow study which demonstrates that there is some net new shadowing on the properties directly east of the site on the south side of Harlandale Avenue in the afternoon hours. during the fall and spring equinoxes. The study also demonstrates new shadowing on the Senlac Road public realm in the morning hours. The shadow study demonstrates no shadow impacts on the Sheppard Avenue West frontage. The shadow impacts resulting from the proposed development maintain the intent of the Official Plan and policies and of the Mid-Rise Building Design Guidelines with respect to limiting shadowing impacts on public boulevards.

The wind study prepared by prepared by Gradient Wind Engineers concludes that most grade-level areas within and surrounding the subject site including sidewalks and building entrances will have acceptable wind conditions. Wind conditions on the at-grade outdoor amenity area and outdoor terraces at the 11th storey are suitable.

### **Servicing**

A Functional Servicing and Storm Water Management Report has been submitted in support of the proposal. The report requires revisions based on updated engineering analyses; to describe the servicing demand changes as they relate to stormwater management, sanitary servicing and water servicing, resulting from the development proposal. The analyses and report must also determine if there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development demands or confirm that municipal infrastructure upgrades are required to provided adequate capacity to support the development. Should these applications be approved, either the final Order should be withheld, until such time as the owner has addressed all comments from Engineering Review contained in their February 12, 2025, memorandum to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or a Holding Provision should be applied to the implementing Zoning By-law to ensure the provision of a satisfactory report and secure any necessary upgrades and/or improvements to the City's water, wastewater and sanitary infrastructure, to the satisfaction of staff.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 36 metre right-of-way for this segment of Sheppard Avenue West, a 4.89 metre road widening dedication along the Sheppard Avenue West frontage of the subject site would be required should an application be approved.

## **Traffic Impact**

The applicant submitted a Transportation Impact Study (TIS) dated October 3, 2024 in support of the proposal. The TIS concludes that the proposed development will have a minor impact on the overall operation of the network signalized and unsignalized intersections. Despite this conclusion, Transportation Review Staff have requested revisions to the TIS to address the following issues:

- Trip Generation
- Growth Rate
- Pick-Up/Drop-Off Activity
- On-Site Signage and Wayfinding
- Existing and Future Background, Future Total Traffic Models

In addition, Transportation Planning Staff have advised that the Travel Demand Management (TDM) plan is insufficient to satisfy the requirements of the Toronto Green Standard. This is discussed further in the section below.

Transportation Review has not accepted the study and requires a revised study to address issues identified by staff.

## **Access, Vehicular and Bicycle Parking and Loading**

The proposal would have access from Senlac Road via a 6-metre driveway, providing access to one level of shared below-grade parking which provides for 15 vehicular parking spaces, including 6 visitor spaces and 1 accessible space. The ramp to the underground parking is located at the rear of the 4-storey residential building, and 2 shared Pick-Up Drop-Off spaces and a Type 'C' loading spaces are collocated at the rear of the 11-storey building.

There are a total of 55 bicycle parking spaces are provided, including 40 long-term spaces, 5 short-term spaces and 10 publicly accessible spaces, which meets the minimum Zoning By-law and TGS requirements.

The proposed parking supply meets the requirements of Zoning By-law No. 569-2013, however the proposal does not meet the accessible parking requirements which requires a total of 3 parking spaces be accessible. The application also does not meet the minimum loading spaces requirements of Zoning By-law No. 569-2013 which requires a Type 'G' loading space be provided for developments with 30 or more residential units.

The application proposes Transportation Demand Management (TDM) measures to comply with the Version 4.0 Toronto Green Standard (TGS) Tier 1 performance

standard AQ 1.1 by reducing single-occupancy auto vehicle trips by 25%, including but not limited to:

- Provision of one-time pre-loaded PRESTO cards valued at \$25 for each residential unit (inclusive of the registration fee).

Transportation Planning and Transportation Review staff have noted that the TDM plan needs to be improved, and additional measures provided, to reduce automobile dependency as directed by the Official Plan and meet the 25% auto vehicle trip reduction requirement of the TGS.

TGS performance standard AQ 1.2 requires parking spaces to be equipped with an energized outlet, which is clearly marked and identified for electric vehicle charging, in accordance with Zoning By-law No. 569-2013. Tier 1 requires 100 percent of resident parking spaces and 25 percent non-residential spaces to be EV-ready. Revisions are necessary to confirm compliance with TGS guidelines and support the review process.

The application also fails to meet the TGS Tier 1 performance standard AQ 3.2 which requires a context-sensitive pedestrian clearway that is a minimum of 2.1 metres wide be provided on all site frontages, to safely and comfortably accommodate pedestrian flow. The application does not propose a 2.1 metre wide pedestrian clearway on the Harlandale Avenue site frontage.

## **Parkland**

Based on the current development proposal, in accordance with Section 42 of the *Planning Act*, the applicable alternative rate for on-site parkland dedication is 1 hectare per 600 net residential units to a cap of 10% of the development site as the site is less than five hectares, with the non-residential uses subject to a 2% parkland dedication. The applicant is currently proposing cash-in-lieu, which is acceptable.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The Official Plan, Chapter 3 provides direction for how developments should preserve, incorporate, and plan for trees on site.

No by-law regulated tree removals are required for the development. Two (2) City-owned trees and two (2) neighbouring by-law protected trees are proposed to be retained.

The setbacks proposed by the application do not allow for access to adequate soil volume to facilitate tree planting opportunities on-site, particularly along the Senlac Road boulevard. The application proposes to plant a total of 2 new City street trees and 1 new private tree

Where it is not possible to retain a tree that qualifies for protection under the City of Toronto's Tree By-laws, or where construction activity will encroach upon a regulated tree's minimum tree protection zone causing injury, it will be necessary for the applicant



to submit an application requesting permission to injure or destroy the tree(s) in question to Urban Forestry.

### **Toronto Green Standard**

The applicant is required to meet Tier 1 of the TGS in force at the time of a complete application for Site Plan Control. 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.

Upon review of the proposal, it has been determined that the proposal does not meet Policy 3.4.1 of the Official Plan and fails to achieve the following Tier 1 Performance Measures of the TGS:

- EC 1.1 for Tree Planting Areas and Soil Volumes
- EC 1.2 for Trees Along Street Frontages
- AQ 1.1 for Single-Occupant Auto Vehicle Trips
- AQ 1.2 for Electric Vehicle Infrastructure
- AQ 2.4 for Electric Bicycle Infrastructure
- AQ 3.2 for Sidewalk Space

### **Summary of Issues to be Resolved**

Based on the review of the applications, staff have identified a number of concerns with regards to the proposal including:

- Appropriateness of the Commercial Residential zone category for 223 Harlandale Avenue
- Transition to adjacent streets and properties;
- Height, scale, density and massing of the development and fit of the development within the existing and planned context;
- Setbacks and separation distances, including relationships to, and impacts on, adjacent properties and streets;
- Tree planting and soil volume<sup>1</sup>;
- Confirming servicing capacity<sup>1</sup>;
- Traffic impacts and parking supply;

### **Further Issues**

Should the decision to refuse the applications be appealed to the Ontario Land Tribunal, and Staff continue to receive additional or supplementary information regarding this application or be required to review a revised proposal, Staff may refine or identify further issues and/or supplement the reasons provided in this Report.

### **Conditions to Any Tribunal Order**

Should Council's refusal decision be appealed to the Ontario Land Tribunal, and not resolved or otherwise approved by City Council, and the Ontario Land Tribunal decides to grant the approval, in whole or in part, the following include a preliminary list of

conditions that should be imposed on the issuance of any final order of the Tribunal to the satisfaction of the appropriate City Officials:

- The final form and content of the draft Official Plan Amendment;
- The final form and content of the draft Zoning By-law Amendment;
- The owner has at its sole expense:
  - Submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - Secured the design and provided financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, 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 Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water
  - Ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required.
  - Submitted a revised Transportation Impact Study and Travel Demand Management (TDM) Plan to the satisfaction of the General Manager, Transportation Services, and Chief Planner and Executive Director, City Planning.
  - Submitted a revised Arborist Study, Tree Preservation Plan, Soil Volume Plan, Landscape Plan, and Planting Plan, to the satisfaction of the General Manager, Urban Forestry.

## CONCLUSION

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The proposal has been reviewed against the policies of the Provincial Planning Statement (2024), and the Official Plan. Staff are of the opinion that the proposal does not conform with the Official Plan, and the Sheppard Lansing Secondary Plan, which provides more detailed policy direction tailored to the local context. Insofar as the PPS, the proposed development does not support the achievement of complete communities and the application has not demonstrated that the proposal can be accommodated by existing municipal services.

The proposed 11-storey building represents an overdevelopment of a constrained site with a narrow lot width of 15 metres. The proposed height, scale and massing of the 11-storey building results in a building that lacks good street proportion and appropriate transition to adjacent properties and streets. The application fails to meet the intent of the Mid-rise Building Design Guidelines and fails to conform to the Official Plan and

Secondary Plan policies. Further, the 4-storey residential building is not a prevailing building type, and does not provide adequate setback from Senlac Road and the property to the east. Additional refinements to this building will be required.

## **CONTACT**

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Diana Steinberg, Planner, Tel. No. 416-338-3455, E-mail: [Diana.Steinberg@toronto.ca](mailto:Diana.Steinberg@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Information/Drawings**

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Maps

### **Applicant Submitted Drawings**

Attachment 5: Site Plan

Attachment 6: Elevations

Attachment 7: 3D Massing Model

## Attachment 1: Application Data Sheet

Municipal Address: 234 SHEPPARD AVENUE WEST & 223 HARLANDALE AVENUE Date Received: November 15, 2024

Application Number: 24 234048 NNY 18 OZ

Application Type: Rezoning & Official Plan Amendment

Project Description: A Zoning By-law Amendment and Official Plan Amendment applications to permit a 11-storey mixed use building with a total of 43 dwelling units and 137 square metres of retail space on the ground floor, and a 4-storey residential condominium building with 15 units. The proposal includes one level of underground parking providing a total of 76 parking spaces. The only vehicular access is off of Senlac Road.

Applicant	Agent	Architect	Owner
The Biglieri Group			Fredco Trading Inc.

## EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas & Neighbourhoods General Site Specific Provision: N/A

Zoning: Commercial and Residential Detached Heritage Designation: N/A

Height Limit (m): 10 metres and 9.2 metres Site Plan Control Area:

## PROJECT INFORMATION

Site Area (sq m): 1,093 Frontage (m): 15.24 Depth (m): 72

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	287		554	
Residential GFA (sq m):	287		3,646	3,646
Non-Residential GFA (sq m):	222		138	138
Total GFA (sq m):			3,784	3,784

Height - Storeys:	2	11	11
Height - Metres:	6	34	34

Lot Coverage Ratio (%)	58	Floor Space Index:	3.45
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	3,646	
Retail GFA:	138	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	2		43	43
Freehold:				
Condominium:			15	15
Other:				
Total Units:			58	58

#### Total Residential Units by Size

	Studio	1 Bedroom	1 Bedroom + Den	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	1	26	15	9	7
Total Units:	1	26	15	9	7

#### Parking and Loading

Parking Spaces:	15	Bicycle Parking Spaces:	55	Loading Docks:	1
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#### CONTACT:

Diana Steinberg, Planner, Community Planning  
(416) 338-3455  
Diana.Steinberg@toronto.ca

## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #16

234 Sheppard Avenue West & 223 Harlandale Avenue

File # 24 234048 NNY 18 0Z



Location of Application

Neighbourhoods

Mixed Use Areas



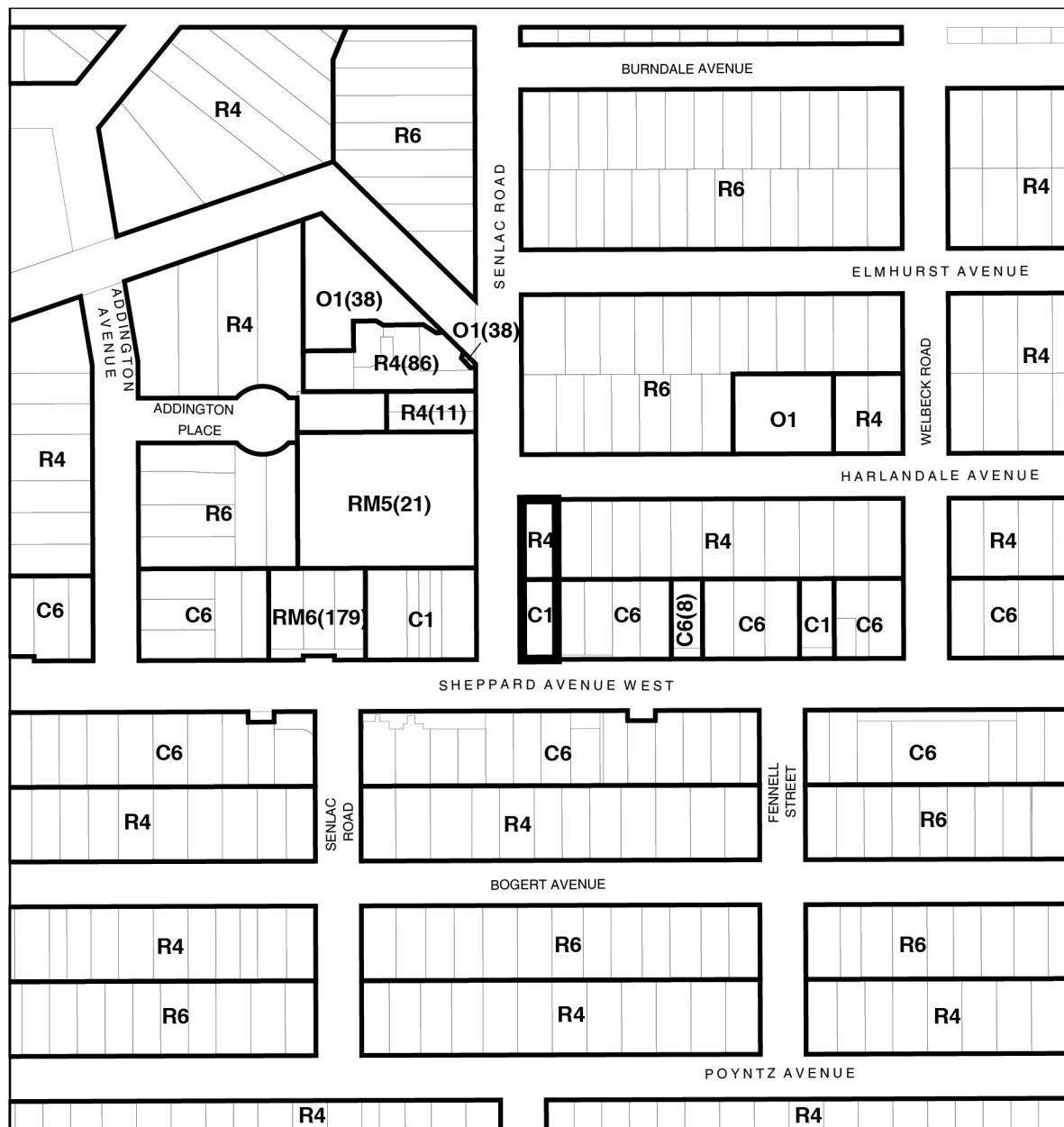
Natural Areas

Parks



Not to Scale  
Extracted: 11/04/2024

## Attachment 4: Existing Zoning By-law Maps



Zoning By-law 7625

234 Sheppard Avenue West & 223 Harlandale Avenue

File # 24 234048 NNY 18 0Z



Location of Application

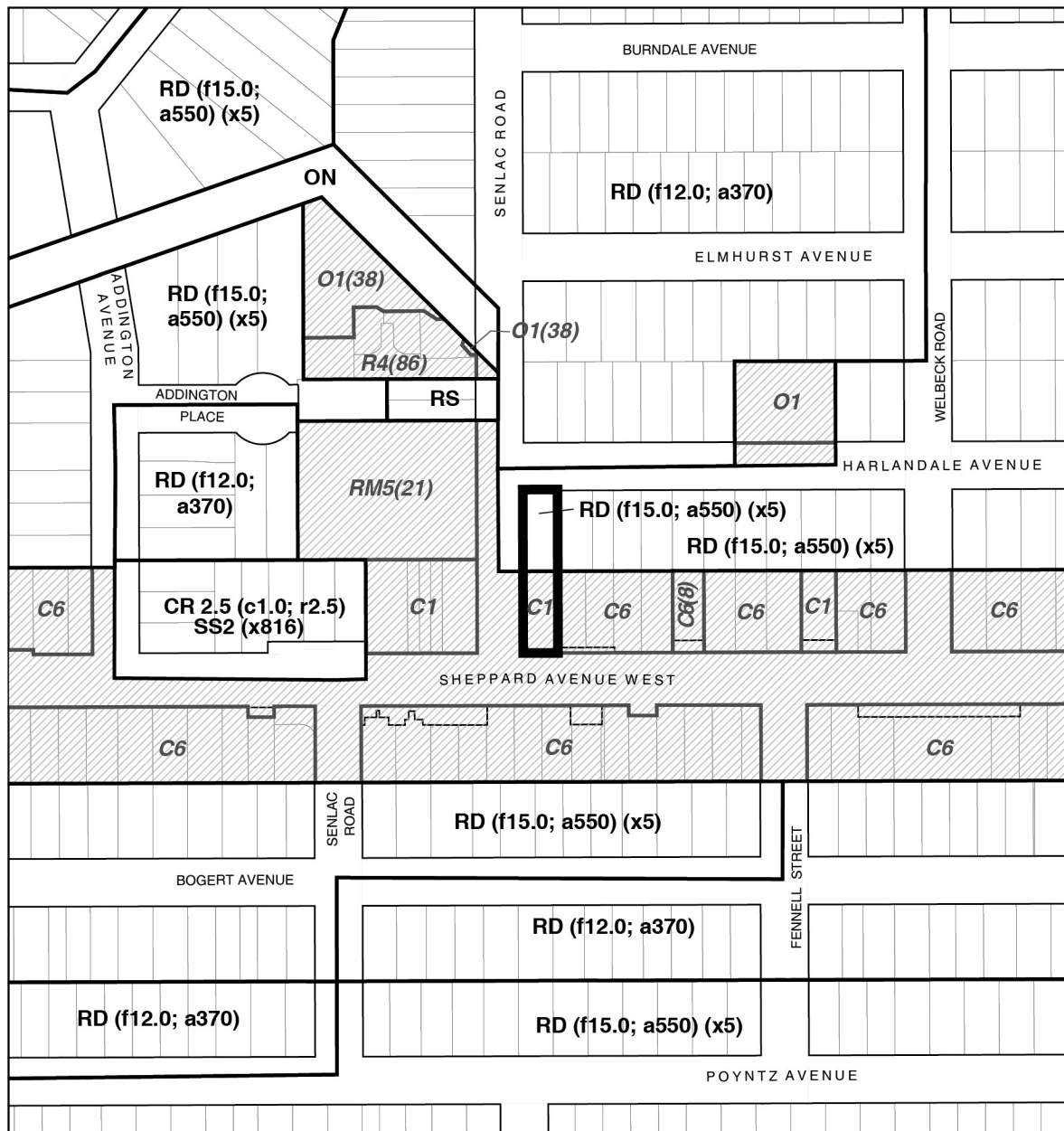
R4 One-Family Detached Dwelling Fourth Density Zone  
 R6 One-Family Detached Dwelling Sixth Density Zone  
 RM5 Multiple-Family Dwellings Fifth Density Zone  
 RM6 Multiple-Family Dwellings Sixth Density Zone  
 C1 General Commercial Zone  
 C6 Special Commercial Area Zone

O1 Open Space Zone



Not to Scale  
 Extracted: 11/04/2024





**Zoning By-law 569-2013**

**234 Sheppard Avenue West & 223 Harlandale Avenue**

**File # 24 234048 NNY 18 0Z**



Location of Application

**RD** Residential Detached  
**RS** Residential Semi-Detached  
**CR** Commercial Residential  
**ON** Open Space Natural



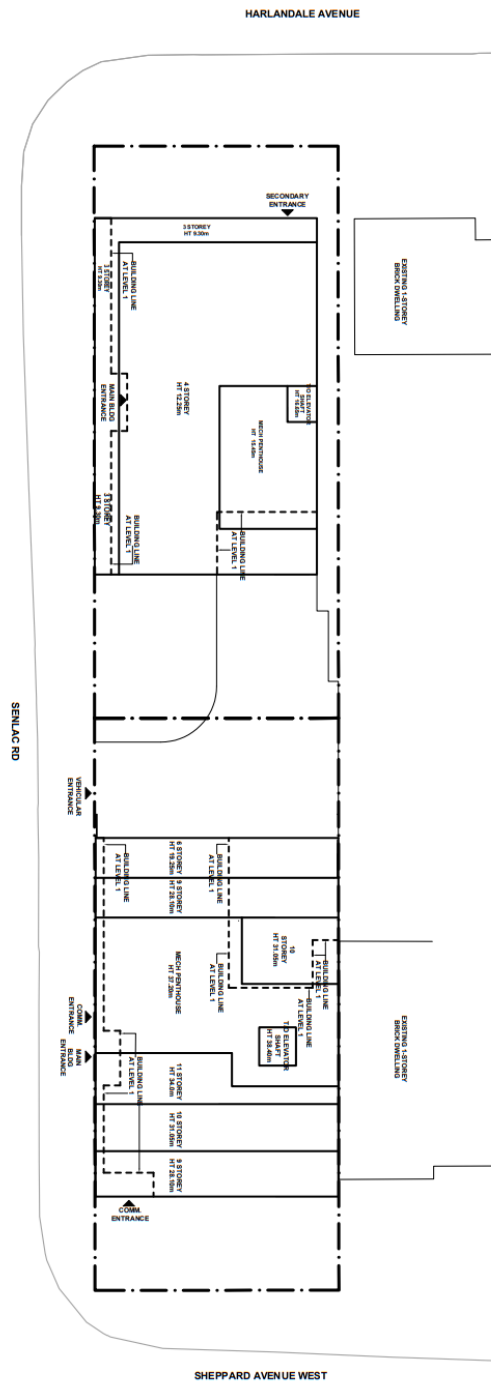
See Former City of North York By-law No. 7625

**R4** One-Family Detached Dwelling Fourth Density Zone  
**RM5** Multiple-Family Dwellings Fifth Density Zone  
**C1** General Commercial Zone  
**C6** Special Commercial Area Zone  
**O1** Open Space Zone

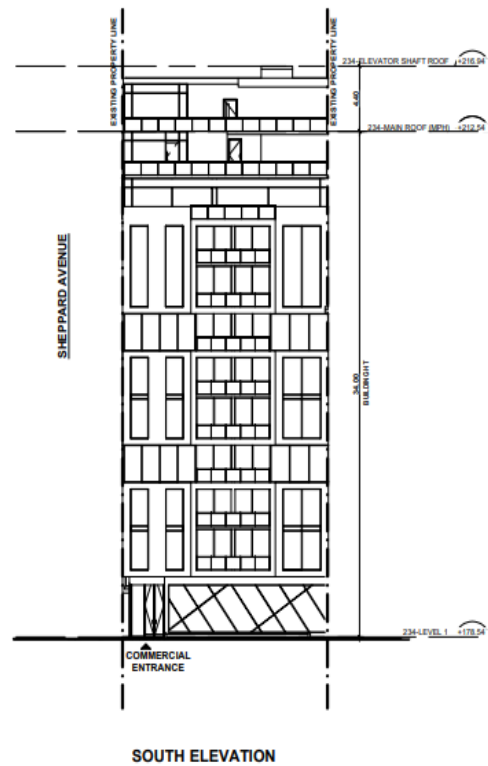
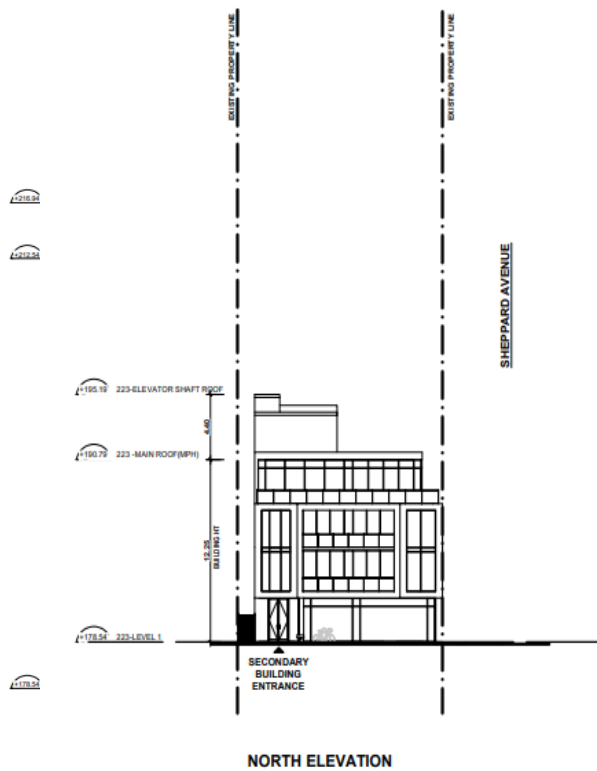


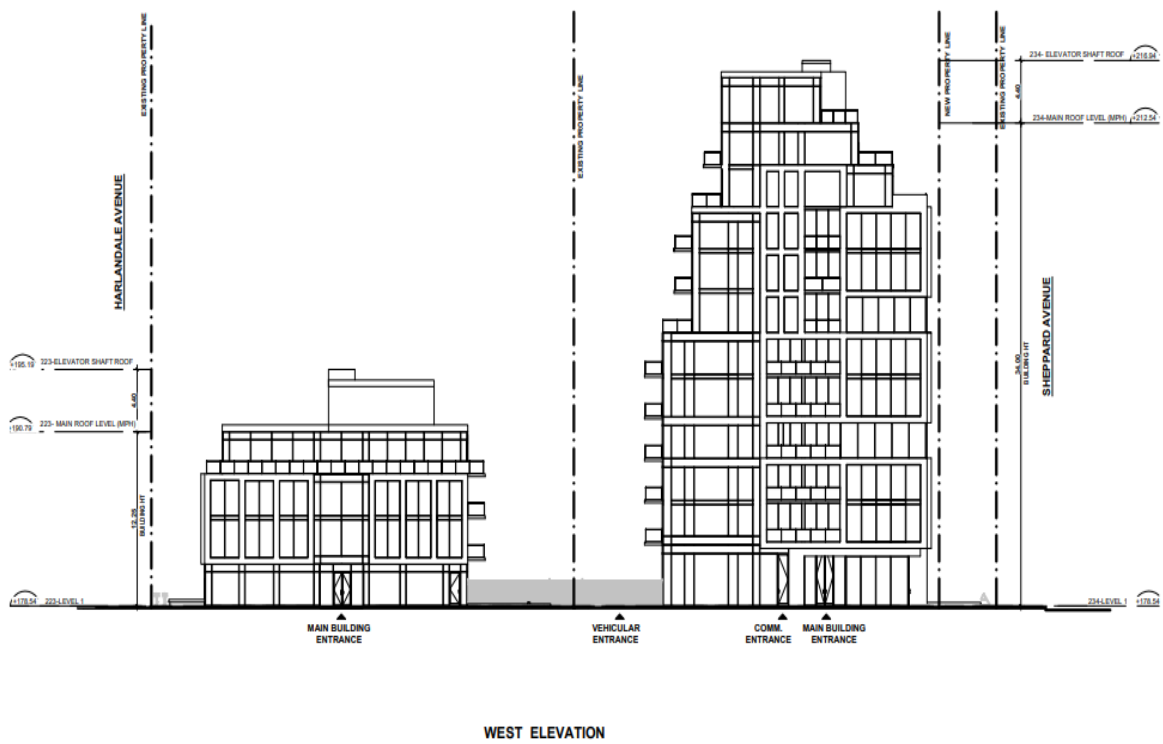
Not to Scale  
 Extracted: 11/04/2024

# Attachment 5: Site Plan



## Attachment 6: Elevations





## Attachment 7: 3D Massing Model

