

# **TORONTO** STAFF REPORT

August 29, 2005

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Final Report  
OPA & Rezoning Application 05 103706 NNY 10 OZ  
Applicant: Franco Romano, Action Planning Consultants  
Architect: Y.T. Architectural Services Inc.  
865-869 Sheppard Ave West  
Ward 10 - York Centre

## Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 6 storey mixed-use building at 865-869 Sheppard Avenue West.

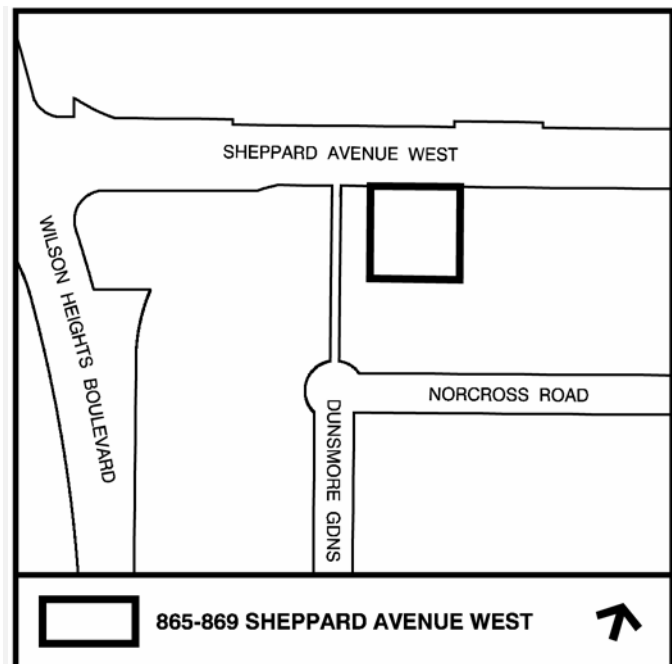
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
- (2) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment No. 8.
- (3) amend the Zoning By-law for the former City of North York



substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9.

- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (5) before introducing the necessary Bills to City Council for enactment, require the applicant to obtain Notice of Approval Conditions from the Director, Community Planning, North York District.

#### Background:

#### Proposal

The applicant is proposing to develop a 6 storey mixed-use building with 54 apartment dwelling units and two ground floor commercial units (illustrated on Attachments 1 through 3). The density of the development would be 2.5 FSI (Floor Space Index). Two levels of underground parking containing 98 spaces would be provided. The building would be tiered, with the highest portion located along the Sheppard Avenue frontage. Indoor amenity space would be provided on the ground level with outdoor amenity space located on the rooftop and on individual balconies. Vehicular access would be provided at the rear via a one-way driveway that extends around the perimeter of the site. Additional information is provided on the Application Data Sheet (Attachment 6).

#### Site History

The Sheppard West/Dublin Secondary Plan was adopted by the former City of North York in July 1993 and approved by the Ministry of Municipal Affairs in February 1994. The Secondary Plan promotes mixed use development along the Sheppard Avenue West arterial corridor between Bathurst Street and W.R. Allen Road. Since the approval of the plan, a number of redevelopments have proceeded within the corridor.

#### Site and Surrounding Area

The subject property is located on the south side of Sheppard Avenue West between Wilson Heights Boulevard and Faywood Boulevard. The property is 2162.5 m<sup>2</sup> in area with 45.7 metres frontage on Sheppard Avenue West and is comprised of three residential lots containing three single detached homes.

Surrounding land uses are as follows:

North: Low-density and high-density residential, Retirement home

South: Low-density residential

East: Low-density residential

West: Commercial

## Official Plan

865 and 867 Sheppard Avenue West are designated Mixed Commercial Residential (MCR) and 869 Sheppard Avenue West is designated Sheppard West-Commercial (SW-COM) by the former City of North York Official Plan (Attachment 4). The policies pertaining to these designations are contained in Part D.14, the Sheppard West/Dublin Secondary Plan. The MCR designation permits a range of residential, commercial, institutional and other uses at a density of up to 2.0 FSI, dependant upon the amount of road frontage and the proposed land use. The preferred form of mixed use development consists of ground floor commercial uses with upper floor residential uses. The SW-COM designation permits a range of residential, commercial and institutional uses around key intersections including Wilson Heights Boulevard / Sheppard Avenue West at densities of up to 2.0 FSI, provided that commercial uses do not exceed 1.0 FSI. Within both designations, the height of buildings is subject to a 45 degree angular plane from any boundary of the Secondary Plan area that is not a street line, including adjacent low-density neighbourhoods. In addition, the setback from the Secondary Plan boundary for any portion of a building may not be less than 9.5 metres. Within the MCR designation, there is also a maximum height limit of 5 storeys.

## New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

Once it comes into full force and effect, the new Official Plan will designate the subject property as Mixed Use Area. This designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces and utilities.

The property is also subject to the Sheppard West/Dublin Secondary Plan, contained in Chapter Six of the Plan. This section carries forward the secondary plan policies from the former City of North York Official Plan with respect to land use, density and built form.

## Zoning

The property is zoned One-Family Detached Dwelling Fourth Density (R4) by former City of North York Zoning By-law 7625 (Attachment 5). This zone permits one-family detached dwellings and accessory buildings as well as home occupations, recreational uses and institutional uses. It does not permit the more intensive, mixed-use types of development provided for in the Official Plan.

### Site Plan Control

The applicant has filed a Site Plan Control application in addition to the applications for Official Plan Amendment and Rezoning. Should the applications for Official Plan Amendment and Rezoning be approved, approval of the site plan will also be required prior to development of the site.

### Tree Preservation

City Council has enacted By-laws that require the protection and preservation of trees on City and private property in order to retain as much crown cover as possible, particularly during the development process. All trees on City property are protected, as well as trees on private property having a diameter of 30 cm or greater.

A number of existing trees on the subject property would qualify for protection. Through the site plan approval process, the applicant will be required to submit an arborist report to Urban Forestry Services, which is to include a tree preservation plan. Where it is not possible to adequately protect or retain trees that qualify for protection, it will be necessary for the applicant to submit an application requesting permission to remove the trees along with a suitable replanting plan indicating tree replacement.

### Reasons for the Application

An amendment to the Sheppard West/Dublin Secondary Plan within the former City of North York Official Plan is required to permit an increased density of 2.5 FSI on the lands, as well as an additional storey of height on the MCR-designated portion. The Sheppard West/Dublin Secondary Plan within the new Toronto Official Plan, which has not yet been approved by the Ontario Municipal Board, would also need to be modified.

An amendment to former City of North York Zoning By-law 7625 is required to rezone the property from R4 to a multi-family residential zone in order to permit higher-density residential development with ground floor commercial uses as well as various site-specific development standards.

### Community Consultation

A community consultation meeting regarding the proposal was held on May 30, 2005. Issues and concerns that were raised by those in attendance as well as the responses provided include the following:

*Adequacy of the Rear Landscape Buffer and Perimeter Driveway Setback*

Some residents expressed concern that the proposed 1.5 metre landscape buffer in the rear is inadequate and that the driveway would be too close to the property line. Staff replied that the proposed landscape buffer between the driveway and rear property line is consistent with the policies of the Sheppard West/Dublin Secondary Plan. A suitable buffer has been achieved on similar developments on Sheppard Avenue West. A 1.8 metre high board on board fence will also provide buffer screening.

*Adequacy of Proposed Amenity Space for Residents with Children*

This concern relates to the proposed lack of outdoor amenity space at ground level. Staff are of the opinion there would be sufficient amenity area located both indoors on the ground level and outdoors on the rooftop deck. While ground level amenity space can be preferable, the use of rooftop amenity space is a commonly-accepted substitute. There was some further discussion regarding the new Banting Avenue Park and the amenity this will provide for area residents.

*Tree Preservation/Green Space Preservation*

This concern is related to the last, in that the proposal does not provide for significant amounts of open space to remain on the site and the proposal will require the removal of existing trees. The site is subject to the City's private tree protection by-law and the owner may therefore be required to provide replacement trees.

*Impact of Development on Privacy and Light for Adjacent Residents*

Staff replied that the proposed development would comply with the Secondary Plan requirement to fall within a 45 degree angular plane from the rear property line, thereby addressing privacy concerns. The proposed development is not of a height that would require the submission of shadow studies.

*Precedent for Further Development in the Area*

There have already been several other similar developments in the area, and these have been in keeping with the policies of the approved Sheppard West/Dublin Secondary Plan. Each development proposal is evaluated by the City on its own merits.

*Adequacy of the Proposed Parking for Commercial Uses*

The provision of parking for both commercial and residential use would be at the rate required by former City of North York Zoning By-law 7625.

### *Impact on Sheppard Avenue West Traffic*

As described further in the following section of this report, the proposed development would not generate sufficient traffic to adversely affect the operation of Sheppard Avenue West.

### Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

### Comments:

#### Land Use

A range of land uses is promoted within the Sheppard West/Dublin area by the policies of the Secondary Plan. In particular, the Secondary Plan encourages development consisting of ground floor commercial uses with upper floor residential uses, such as that proposed for the subject property. The proposed land use is therefore consistent with City Council's policies.

#### Density, Height, Massing

The proposed building would have a density of approximately 2.5 FSI and within its tallest section, a height of six storeys. As described in the Official Plan section of this report, the Sheppard West/Dublin Secondary Plan generally provides for a maximum density of 2.0 FSI as well as a maximum height of 5 storeys within the portion of the site that is designated as MCR. The requested increase in height and density would be appropriate in this instance as the intent of the Secondary Plan would continue to be maintained. In particular, the building would be massed away from the adjacent neighbourhood and as required by the policies of the Secondary Plan, would fall within the 45 degree angular plane extended from the rear property line. By satisfying this requirement, compatibility between the new development and the existing community would be achieved, one of the primary interests behind the density and height limits in the Plan. By massing the tallest portion of the building along the arterial street frontage, the potential for shadow and overlook impacts on the adjacent neighbourhood would be minimized.

#### Traffic Impact, Access, Parking

The proposed development is of a scale that the traffic generated could be absorbed by the existing transportation network in the vicinity, including Sheppard Avenue West. Vehicular access, including the detailed design of the circular driveway as well as loading and waste collection operations, would be finalized through the Site Plan Control process, should the Official Plan Amendment and Rezoning be approved.

Parking space requirements are specified by former City of North York Zoning By-law 7625. The By-law requires 81 parking spaces for the residential component of the development (including 13 visitor spaces) and 12 spaces for the commercial component, for a total of 93 spaces. As previously described, the proposal would include 98 spaces on two underground levels, thereby exceeding the By-law requirement.

### Streetscape

The proposal would contribute to objectives contained in the current and new Official Plan regarding enhancement of the City's streetscapes. In particular, the proposal would support the currently in-effect Sheppard West/Dublin Secondary Plan's objective of achieving an appealing streetscape in several respects, including the following:

- the building would be located close to the street and sidewalk and be supportive of a pedestrian scale
- the relocation of the sidewalk and the planting of street trees would enhance pedestrian activity
- the building would present a generally continuous façade to the street, avoiding large gaps
- the commercial uses would be oriented to and front onto the arterial road

If the requested Official Plan and Zoning By-law were approved, the detailed design of the streetscape would be finalized through the approval of the site plan and secured through the subsequent execution and registration of a site plan agreement.

### Relationship to Provincial Planning Initiatives

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Issued under Section 3 of the Planning Act, the PPS sets the policy foundation for regulating the development and use of land. Municipal planning decisions are required to be "consistent with" the PPS. Toronto's new Official Plan compliments the policies found in the PPS and the two documents are mutually supportive.

The proposal would be consistent with the PPS and promote the implementation of many of its policies including:

- promoting intensification, redevelopment and compact form
- encouraging transit and pedestrian supportive land uses
- providing for a range of housing types and densities to meet projected requirements

## Development Charges

It is estimated that the Development Charges for this project will be \$308,019. This is an estimate and the actual charge is assessed and collected upon the issuance of the building permit.

### Conclusions:

The proposed development is supportive of the policies of the Sheppard West/Dublin Secondary Plan, which promote mixed-use intensification along the Sheppard Avenue West corridor within the Secondary Plan area. The requested increase in height and density are appropriate as the proposal is compatible with the adjacent lower-density neighbourhood. The development would also contribute to the provision of a range of housing opportunities in the area and support provincial land use planning and development interests as expressed through the Provincial Policy Statement.

### Contact:

Geoffrey Singer, Planner  
Ph: (416) 395-7102  
Fax: (416) 395-7155  
Email:gsinger2@toronto.ca

---

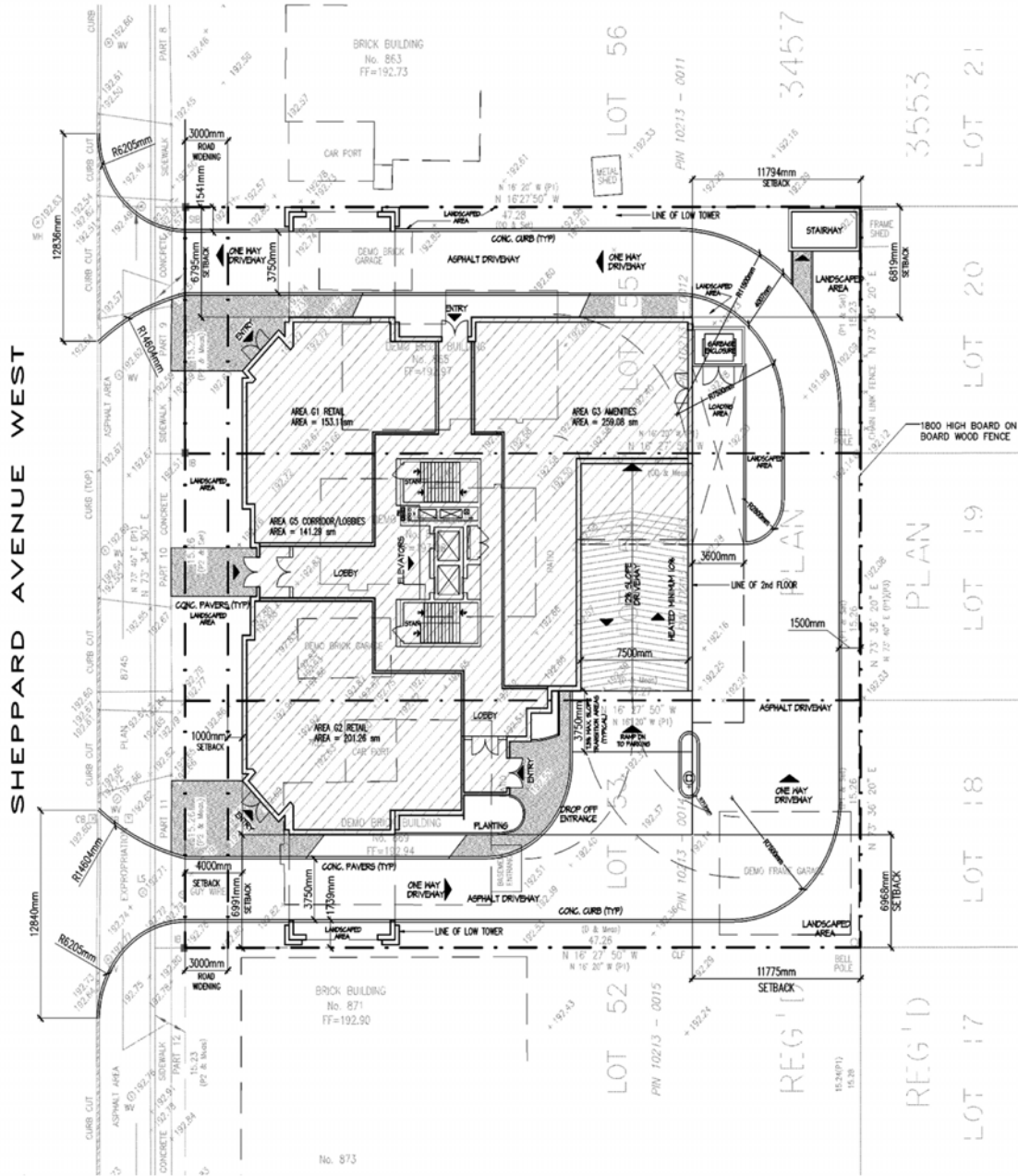
Thomas C. Keefe  
Director, Community Planning, North York District

### List of Attachments:

Attachment 1: Site Plan  
Attachment 2: Elevation 1  
Attachment 3: Elevation 2  
Attachment 4: Official Plan (Map)  
Attachment 5: Zoning (Map)  
Attachment 6: Application Data Sheet  
Attachment 7: Draft Official Plan Amendment  
Attachment 8: Draft Modification to New Official Plan  
Attachment 9: Draft Zoning By-law Amendment



### Attachment 1: Site Plan



## Site Plan

## 865-869 Sheppard Avenue West

Applicant's Submitted Drawing

Not to Scale  
02/21/05



File # 05\_103706

**Attachment 2: Elevation 1**



**West Elevation**



**North Elevation**

---

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
02/21/05

**865-869 Sheppard Avenue West**

File # 05\_103706

---

**Attachment 3: Elevation 2**



**South Elevation**



**East Elevation**

---

**Elevations**

Applicant's Submitted Drawing

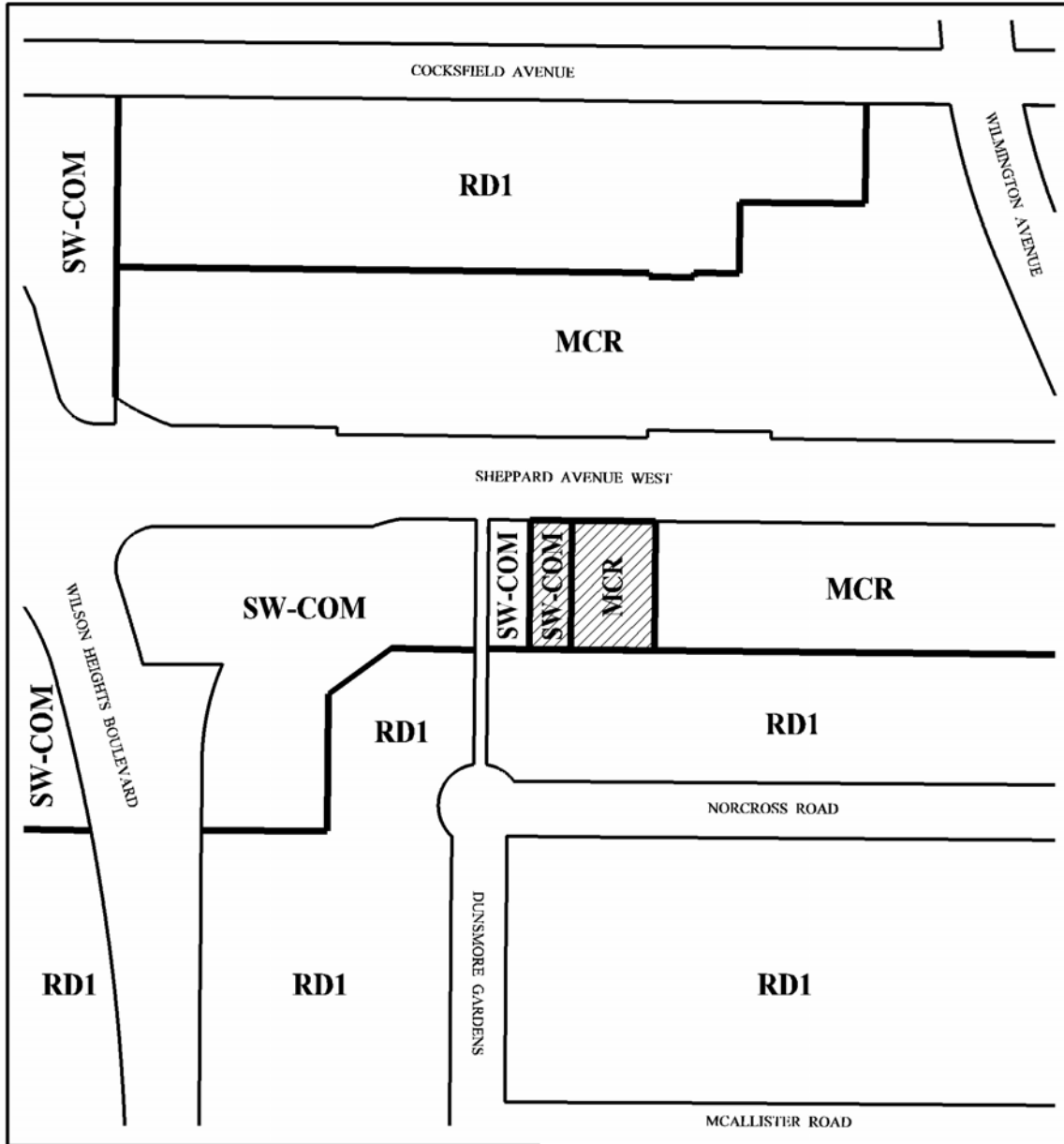
Not to Scale  
02/21/05

**865-869 Sheppard Avenue West**

File # 05\_103706

---

Attachment 4: Official Plan (Map)



865-869 Sheppard Avenue West

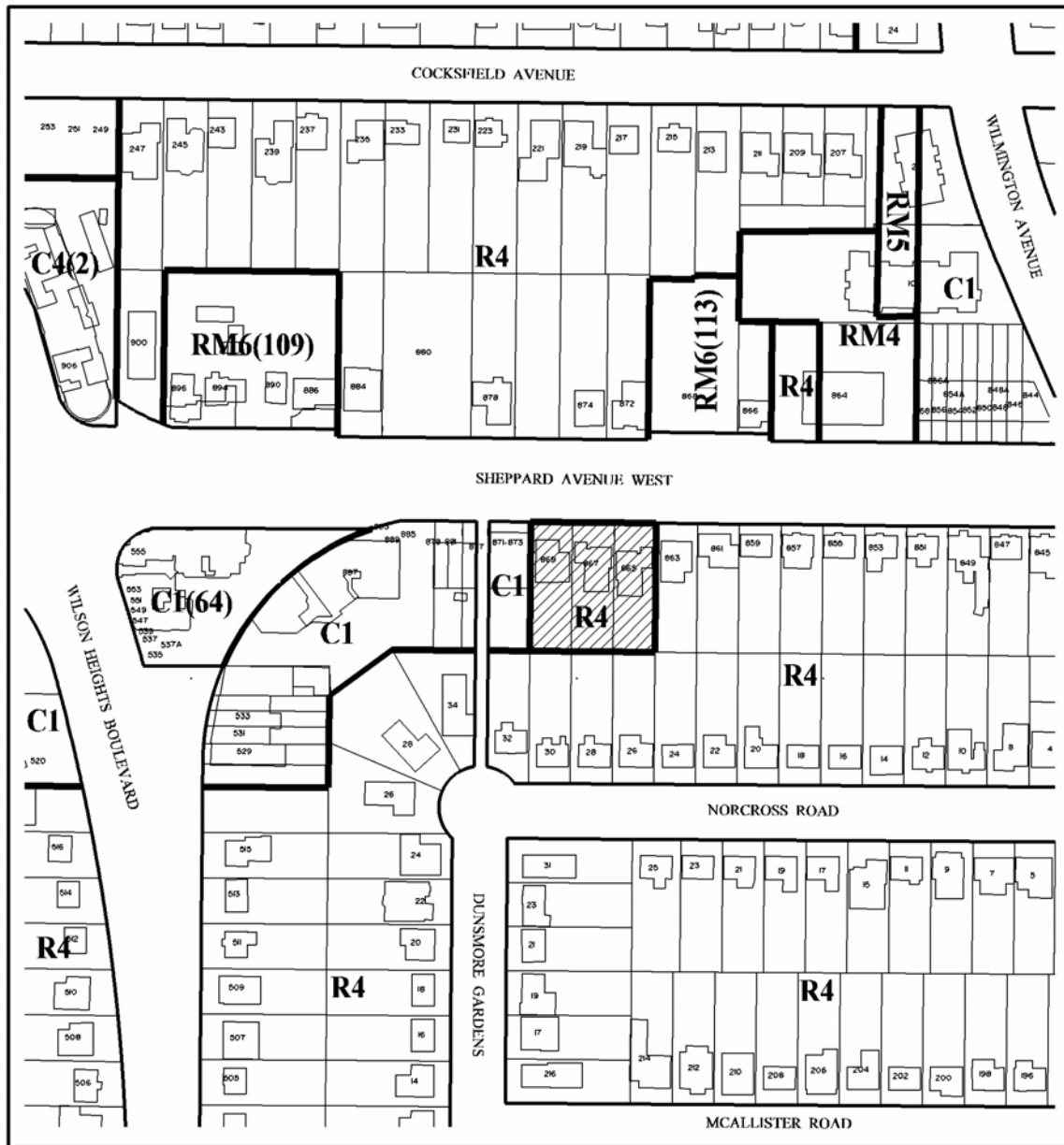
Official Plan

File # 05\_103706

RD1 Residential Density One  
SW-COM Sheppard West Commercial  
MCR Mixed Commercial Residential

↑  
Not to Scale  
North York Official Plan  
Extracted 02/28/05

### Attachment 5: Zoning (Map)



**865-869 Sheppard Avenue West**

File # 05\_103706

### Zoning

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone



Not to Scale  
Zoning By-law 7625  
Extracted 02/28/05

