

**2205 Sheppard Avenue East
Zoning By-law Amendment Application
Request for Direction Report**

Date:	September 6, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 33 – Don Valley East
Reference Number:	06 199562 NNY 33 OZ

SUMMARY

In its decision dated August 28, 2009 the Ontario Municipal Board (OMB) approved the re-designation of the site at 2205 Sheppard Avenue East from *Employment Areas* to *Mixed Use Areas* to permit a mixed-use development. The second phase of the hearing, scheduled for October 13, 2011, will deal the rezoning portion of the application. The purpose of this report is to provide information on the application and seek Council's direction for the upcoming hearing.

The applicant is proposing a mixed-use development comprising 1,095 dwelling units contained within 5 buildings. The site design includes a 5-storey mid-rise building along Sheppard Avenue East frontage and 4 taller buildings within the site interior with heights of 8, 17, 23 and 43 storeys. The building along Sheppard Avenue East includes 939 m² of grade related retail space. Parking for 1,282 vehicles would be provided in a four level underground parking structure. The application also proposes two public roads and 0.29 ha (2,947m²) of public parkland.



As this matter has been appealed to the OMB this report recommends the City Solicitor and other appropriate staff attend the hearing in support of the proposed development at 2205 Sheppard Avenue East subject to resolution of issues including: site servicing and public road matters set out in the Technical Services comments dated August 8, 2011; the provision of appropriate community benefits pursuant to Section 37 of the *Planning Act*; securing public parkland as set out in the Parks, Forestry and Recreation comments dated August 10, 2011, and adjustments to the proposed built form.

Staff is recommending the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the issues outlined in this report and, if necessary, seek further instruction from Council for additional instructions regarding any matters to be resolved before the OMB.

RECOMMENDATIONS

The City Planning Division recommends that:

It is recommended that the application be supported subject to the following:

- 1 City staff be authorized to attend the OMB hearing in support of the proposed development at 2205 Sheppard Avenue East subject to resolution of the following issues and conditions as detailed in this report and set out below:
 - a) The Owner addressing the following design related matters to the satisfaction of the Director, Community Planning, North York District:
 - i) the building massing and configuration of the tall building(s) be further refined to eliminate the shadow impacts on the public sidewalk on the north side of Sheppard Avenue East;
 - ii) the building setback along Sheppard Avenue East be increased to 5 metres; and,
 - iii) the built form of Building A (the 5-storey building along Sheppard Avenue East) be extended further west such that the west wall is parallel to the west property line with a setback not exceeding 11 metres.
 - b) The owner agreeing to a Section 37 contribution to the satisfaction of the Director, Community Planning, North York District;
 - c) The owner addressing the servicing and transportation services requirements outlined in the memorandum dated August 8, 2011 to the satisfaction of the Director, Development Engineering, Technical Services Division;

2. City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Zoning By-law amendment until such time as:
 - a) The owner has entered into an agreement with the City to secure community benefits pursuant to Section 37 of the *Planning Act* to the satisfaction of the Director, Community Planning, North York District and City Solicitor;
 - b) An appropriate Zoning By-law amendment is prepared to the satisfaction of the Director, Community Planning, North York District and the City Solicitor. The implementing Zoning By-law should incorporate performance standards which include, but not be limited to, regulations on parking and loading standards, maximum building heights, maximum building floor plates and envelopes, residential and commercial gross floor area on the Atria IV site and commercial gross floor areas on the existing Atria I, II and III employment lands, minimum building setbacks, maximum number of dwelling units, minimum indoor and outdoor recreational amenity area, provision of locker space, bicycle parking spaces, and appropriate Section 37 contributions;
 - c) The Owner has applied for Site Plan Approval and enters into an agreement under Section 41(7) of the *Planning Act* and Section 114 of the *City of Toronto Act* to the satisfaction of the City Solicitor to secure conditions of Site Plan approval;
 - d) The owner has made an application for Plan of Subdivision to secure matters relating to the proposed east-west public road and the conversion of the north portion of Atria Boulevard to a public road to the satisfaction of the Director, Development Engineering, Technical Services Division; and
 - e) The owner has addressed the requirements outlined in the memorandum dated August 10, 2011 to the satisfaction of the General Manager, Parks, Forestry & Recreation.
3. Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the issues outlined in this report and, if necessary, seek further instructions from Council regarding any matters to be resolved prior to the OMB hearing.

Financial Impact

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

DECISION HISTORY

In 2006, Dorsay Investments, the owners of the site, filed applications to permit the introduction of residential uses on a portion of their site designated *Employment Areas* under the Official Plan.

City Council at its meeting of September 26, and 27, 2007 refused the Official Plan and Zoning By-law amendment applications on the recommendation of City Planning. The Planning report dated August 14, 2007 and can be found at:

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-5878.pdf>.

The application at the time was to develop the final phase of the Atria development with a mixed use project containing 914 residential units in three point towers (2 towers at 38 storeys and 1 tower at 26 storeys) with a gross floor area of 80,785m² including 3,285 m² of grade related retail and commercial uses along the Sheppard Avenue East frontage. The applications to re-designate to *Mixed Use Areas* under the Official Plan and rezone from MO(5) under the former City of North York Zoning By-law No. 7625 were appealed to the OMB.

On the consent of the parties, the hearing was split into two phases: firstly dealing with threshold issues relating to the impact of the Provincial Growth Plan which came into effect June of 2006, prior to the Dorsay application; and secondly, dealing if necessary, with the substantive planning issues (rezoning application) relative to the development of the site.

The first phase of the hearing was the subject of a Decision issued August 28, 2009. In that Decision the OMB found in favour of Dorsay, ruling that the Growth Plan would not in itself prevent a redesignation of the site for residential uses and that a redesignation to *Mixed Use Areas* under the Official Plan was appropriate.

In a Decision dated November 24, 2009, the Vice-Chair of the OMB refused the City's request for a re-hearing of the matter under Section 43 of the Ontario Municipal Board Act. (Section 43 provides that the Board may rehear, review, rescind, change alter or vary any decision it has made if the Vice-Chair is satisfied that the request for review raises a convincing or compelling case that the Board made an error in law such that the Board would likely have reached a different decision). The Vice-Chair supported the original Decision of the OMB, which found that the redesignation from *Employment Areas* to *Mixed Use Areas* in the absence of a comprehensive municipal review of the City's

employment lands did not violate the Provincial Growth Plan. The OMB relied on the identification of the site as an *Avenue* under Chapter 2 of the Plan, and that it did not have explicit *Employment District* protective status, notwithstanding the lands are designated as *Employment Areas*.

On May 27, 2010 the City sought leave to appeal to Divisional Court from the November 24, 2009 Decision of the Vice-Chair of the OMB. In a Decision issued June 6, 2010, the motion for leave to appeal was denied.

ISSUE BACKGROUND

Proposal

The design of the proposed development has evolved significantly since the development application was originally submitted in December 2006.

The site has a frontage of approximately 178m (584 feet) across Sheppard Avenue, a depth ranging from 123m along the east edge of the site to 186m (610 feet) along the west property line and an area of 24,790 m² (266,839 sq.ft.). Given its size one of the key components of the proposed development includes new public streets. A new east-west streets is proposed mid block on the site and a portion of Atria Boulevard (currently a private roadway) would be converted to a new public street. The proposal includes 0.29 ha (2,947m²) of public parkland with residential buildings ranging from low rise stacked townhouses to mid-rise buildings and tall buildings. The proposal comprises 1,095 residential units within 5 buildings (see Attachments 3 and 4) including 4-storey stacked townhouses, a 5-storey mid-rise building along the Sheppard Avenue East frontage and 4 taller buildings within the site interior with heights of 8, 17, 23 and 43 storeys. The building along Sheppard Avenue East includes 939m² of grade related retail space. Parking for 1,282 vehicles would be provided in four levels of underground parking. The proposal yields a density of 3.78 FSI. The proposal is more fully described below.

North Parcel

The development parcel north of the proposed east-west public street would contain three buildings and a 1,277m² public park. The north parcel would have a total of 524 units incorporated within a 5-storey mid-rise building (Building A) located along the Sheppard Avenue East frontage (101 units), a 17-storey building (Building B) on the east portion of the parcel (189 units) and a 23-storey building (Building C) on the west portion of the parcel (231 units). The ground floor of the 5-storey building includes 939m² of retail and service commercial space fronting onto Sheppard Avenue, as well as a residential lobby and residential amenity space. The 17-storey building incorporates a base building with grade related units facing Atria Boulevard and overlooking the proposed linear public park, as well as fronting the new east-west public street. The 23-storey building also incorporates a base building with grade related units fronting onto the new public street.

A private driveway system connected to the new public street will provide vehicular access to the parcel. The driveway will serve a central pick-up/drop off area for all three

buildings. Loading and access to the underground parking garage for the north parcel will be consolidated within the 23-storey building along the westerly edge of the parcel. An additional loading space is provided in front of the 17-storey building. A total of 624 parking spaces will be provided on 4 levels of underground parking including 549 spaces for residents, 65 spaces for visitors and 10 spaces for non-residential uses.

South Parcel

The development parcel south of the proposed east-west public street would contain two buildings and a 1,699m² public park. The south parcel would have a total of 571 units incorporated within an 8-storey, 90-unit, building (Building E) with grade-related units that face the proposed park and new east-west street and a 43-storey, 481-unit building (Building D) on the west portion of the parcel. The 8-storey and 43-storey buildings will be connected by a single-storey base building which will include residential lobbies and amenity space.

Vehicular access will be provided via an internal driveway system connecting to the new public street and a private driveway located along the westerly edge of the site. The driveway will provide access to a pick-up/drop-off area for the two buildings. Loading and access to the underground parking garage for the south parcel will be incorporated within the 43-storey building with access to the underground parking provided directly off the private driveway. Two additional loading spaces serving Building E are located adjacent the pick-up/drop-off area. A total of 658 parking spaces will be provided on 4 underground levels including parking 600 spaces for residents and 58 spaces for visitors.

Site and Surrounding Area

The subject site has an area of approximately 24,790m² and forms part of larger landholding that comprise four development blocks/phases (see Attachments 1 and 2). Collectively, the lands are referred to as “Atria” and have a site area of 79,410m². This application deals with the “Atria Phase 4” site which is currently developed with a surface parking lot and an outdoor tennis court. Phases 1-3 are developed with a 4-storey and two, 17-storey office buildings at 2225, 2235 and 2255 Sheppard Avenue East.

Surrounding land uses include:

South: employment lands;

East: employment lands;

West: employment lands; and,

North: residential uses (semi-detached dwellings) on the north side of Sheppard Avenue East.

The site is situated within the Consumers Road employment area which is bounded by Sheppard Avenue East to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west. The Consumers Road employment area was one of several office parks established in the 1960’s along the Don Valley/Highway 404 corridor. The business park comprises approximately 79 hectares (195 acres) of land and

has attracted companies seeking a central location with excellent access to Highways 401 and 404.

There are about 60 buildings in the employment area. The area is comprised primarily of office buildings, ranging in height from 1 to 17 storeys, surrounded by large surface parking lots. In 2010, the area contained 611 establishments and almost 20,000 employees. Office employment comprises over 95% of the total employment in the area.

The south side of Sheppard Avenue East between Highway 404 and Victoria Park Avenue can be characterized as having a broad mix of uses. The mix of existing and approved uses include low density, automobile-oriented commercial uses; low rise and high rise office uses; and high density residential uses, including Monarch's Heron's Hill development at Yorkland Road.

Sheppard Avenue East is a major arterial road identified as *Avenues* in the Official Plan intended to have a 36 metre right-of-way width. Map 4 of the Official Plan identifies Sheppard Avenue East as a planned Higher Order Transit Corridor extending easterly from the existing Don Mills subway station. There is a recently approved Environmental Assessment for an LRT line that would run underground from the Don Mills station beneath Highway 404 and would emerge above grade at a planned Consumers Road stop. East of Consumers Road, the LRT line would run at grade within the centre median of Sheppard Avenue East, with an additional stop at Victoria Park Avenue. There are ongoing discussions regarding the possible conversion of the Sheppard Avenue LRT line to a full subway. Further, there no is timetable or funding in place for an LRT or subway.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

In a Decision issued August 28, 2009 the OMB approved the applicant's request to redesignate the site from *Employment Areas* to *Mixed Use Areas*. The proposal has therefore been evaluated in accordance with the *Mixed Use Areas* policies of the Plan.

Mixed Use Areas are to be made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. They are intended to absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. The Plan does note however that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Development criteria in *Mixed Use Areas* are set out in Policy 4.5.2. Generally, the policy includes matters pertaining to building location and massing, height transitions, light and privacy impacts, reducing automobile dependency, parking supply, site circulation and access.

The Official Plan includes policies dealing with the public realm and built form. Section 3.1.1 includes policies on the public realm that deal with the layout and design of new streets and parks. Section 3.1.2 of the Plan includes policies regarding built form and speaks to site layout and organization of the site as well as massing of buildings. Section 3.2.3.5 of the Official Plan speaks to the City's policies on parkland. The Plan states that an alternative parkland dedication rate of 0.4 hectares per 300 residential units will be applied to proposals for residential development in parkland acquisition priority areas where Council has identified a need for parkland and enacted an Alternative Parkland Dedication By-law. The site is located within a parkland priority area.

The Toronto Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm

Tall Building Design Guidelines

Policies 3.1.3.1 and 3.1.3.2 – Built Form Tall Buildings, ensure that tall buildings fit within their existing and/or planned context and limit local impacts. The policies outline built form principles that are applied to the location and design of such buildings. The City's "Tall Building Design Guidelines" were prepared to assist in the evaluation of tall building applications. Approved by City Council on July 25, 26 and 27, 2006, they provide guidance for the design, evaluation and approval of tall buildings and are intended to implement the built form policies of the City's Official Plan.

The Tall Building Design Guidelines have been used to inform the review and assessment of the proposal. The City's Design Criteria for Review of Tall Building Proposals study is available on the City's website at:
http://www.toronto.ca/planning/urbdesign/pdf/tallbuildings_udg_aug17_final.pdf

Performance Standards for Mid-Rise Buildings

At its meeting on July 6, 7 and 8, 2010, City Council adopted a staff recommendation to use the Performance Standards for Mid-Rise Buildings in the "Avenues & Mid-Rise Buildings Study" (May 2010) in evaluating future mid-rise building development applications for a two year monitoring period. At the end of the two year monitoring

period, staff will report back to the planning and Growth Management Committee on the effectiveness of the Performance Standards and potential implementation measures.

The Performance Standards are guided by Official Plan objectives to create healthy, liveable and vibrant main streets while protecting the stability and integrity of adjacent *Neighbourhoods*. They are intended to provide simple, straightforward guidance for those seeking to develop mid-rise projects on the *Avenues*.

The Performance Standards for Mid-Rise Buildings has been used to inform the review and assessment of the proposal. The Performance Standards is available on the City's website at: <http://www.toronto.ca/planning/midrisestudy.htm>

Avenue Segment Study

The site is located on an *Avenue* as indicated on Map 2: Urban Structure of the Official Plan. The Plan states *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. A framework for change will be tailored to the situation of each *Avenue* through a local Avenue Study conducted by the City. The Plan states development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

Policy 2.2.3.3 allows development to be considered prior to the completion of an *Avenue* study on the condition that a review be undertaken by the applicant. The review is intended for development that has the potential to set a precedent for the form and scale of reurbanization along the *Avenue* and will consider the larger context and implications for the *Avenue* segment in which the development is located. As per policy 2.2.3.3b the review will:

- i) include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- iii) consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- iv) consider whether the proposed development is supportable by available infrastructure; and
- v) be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

As the applicant's proposal exceeds the density and height limits established in the current Zoning By-law and has the potential to establish a new development and built form context for this *Avenue* segment, a context review by the applicant as per Policy 2.2.3.3 is required.

Zoning

The site is zoned Industrial-Office Business Park (MO) with a site specific exception (5) in the former City of North York Zoning By-law No. 7625. The MO zone category permits office uses and manufacturing, service commercial and institutional uses, hotels, retail stores, restaurants, financial institutions, personal service shops, fitness centres, car rental agencies, commercial schools, places of worship, community centres and day nurseries. There is no maximum building height in the MO zone. Residential uses are not permitted.

The site-specific exception permits a club and a communications and broadcasting establishment in addition to the uses noted above. The exception sets out performance standards for the four "Atria" development parcels including setbacks, GFA, parking and signage. The subject site is Parcel 2. The exception includes a provision that the combined gross floor area of all buildings within Parcels 2, 3 and 4 is not to exceed 175% of the area of these parcels. The maximum permitted overall GFA of the fitness centre, as well as personal service shops, retail and service shop uses on Parcels 1 to 4 is 5,851m². Based on the combined area of these parcels the permitted density would allow up to 105,586m² of GFA. The current GFA is 73,129m² which yields a density of 121 % of the lot area (1.21 FSI).

Site Plan Control

The property is subject to Site Plan Control. No application for Site Plan Control approval has been submitted.

Plan of Subdivision

The development includes a new public east-west road. As well, a portion of an existing driveway (Atria Boulevard) connecting Sheppard Avenue to the new east-west road would be converted to a public road. The development also includes the creation of two public parks. A Plan of Subdivision would be required. To date, an application has not been filed.

This report recommends that the OMB withhold its Order approving the amending Zoning By-law until the applicant has submitted a plan of subdivision application to secure all matters relating to the public roads and parkland.

Reasons for Application

An amendment to Zoning By-law No. 7625 is required to permit the proposed residential uses, to increase the permitted gross floor area and introduce appropriate standards regarding parking, building location, landscaping, private amenity areas and other matters related to the implementation of the proposal on the Atria IV portion of the lands. The Zoning By-law would also need to be amended to set out the existing commercial gross floor areas on the Atria I, II and III portions of the lands.

Community Consultation

On March 24, 2011, a community consultation meeting was held at the Pleasantview Community Centre. Approximately 80 members of the public attended along with the applicant, Ward Councillor and City Planning. Planning staff presented an overview of the planning process and the applicant presented their proposal. The following issues and concerns were expressed:

- Sheppard Avenue East is congested in the morning and evening rush hours and the proposal would add to the congestion;
- traffic back up on Sheppard Avenue East in the morning and evening rush hours results in long queues for motorists on Brian Drive accessing Sheppard Avenue East;
- the need to develop a road network south of Sheppard Avenue East to direct traffic from the site to other streets in the employment area;
- traffic infiltration from the Consumers Road employment area into the residential community and suggested there should be northbound through traffic restrictions put in place at the intersection of Sheppard Avenue/Consumers Road/Brian Drive during morning and evening rush hours;
- an inadequate supply of visitor parking could result in on-street parking in the residential neighbourhood north of Sheppard Avenue East;
- the location of the proposed units may create undesirable overlook and privacy concerns for residents on lands located on the north side of Sheppard Avenue East;
- the proposed building heights will create shadow impacts on the properties north of Sheppard Avenue East; and
- safety concern regarding the appropriateness of having children cross Sheppard Avenue East to access schools.

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 recommendations.

COMMENTS

Provincial Policy Statement and Provincial Plans

In its decision dated August 28, 2009, the Ontario Municipal Board approved the redesignation of the site to from *Employment Areas* to *Mixed Use Areas*. The OMB has

determined that a mixed use development would be consistent with the PPS and would conform, and not conflict with, the Growth Plan for the Greater Golden Horseshoe.

Avenue Segment Review (ASR)

In response to *Avenue Policy 2.2.3.3* in the Official Plan, the applicant submitted an *Avenue* segment review (prepared by Bousfields Inc.) on March 8, 2011. The review forms part of the applicant's Planning Rationale Addendum filed in support of their rezoning application. The segment includes properties fronting on Sheppard Avenue East between Highway 404 and Victoria Park Avenue and properties fronting on Victoria Park Avenue between Sheppard Avenue East and Highway 401.

The Avenue Segment Review (ASR) identifies and analyzes development potential on other prospective development sites within the segment and reviews possible traffic and transportation implications arising from the redevelopment of the potential sites within the segment, the possible servicing implications arising from the redevelopment of the potential sites within the segment and the community services and facilities in the area. The study also analyzes compatibility of potential development with nearby *Neighbourhoods* and *Apartment Neighbourhoods* designations.

In accordance with policy direction, the conceptual development potential assumed a similar form, scale and intensity as the subject proposal. This approach resulted in several massing assumptions, which were used to analyze the development potential of each site.

The assumptions included the following guiding principles:

- development would be mixed use with primarily residential uses;
- maintaining a 45-degree angular plane from all buildings to properties designated as *Neighbourhoods*;
- generally maintaining a 5-storey base height along Sheppard Avenue for tall buildings, with bump-ups at key intersections;
- maintaining 11-storey building heights for mid-rise buildings on Sheppard Avenue East, consistent with the Mid-rise Building Guidelines and the 36 metre right-of-way for Sheppard Avenue and Victoria Park Avenue, with appropriate upper-floor step backs;
- reductions to the heights of tall towers below that mandated by a 45-degree angular plane to appropriately reduce site densities for sites located at greater distance from LRT/subway locations;
- tall building floorplates of 750m²; and
- minimum tower separation distances of 25 metres.

A new street and block pattern was used to identify potential development sites within the segment area. As a result, 21 potential development sites were identified. Each site was analyzed in terms of its existing use, property ownership fabric, block dimensions, access and Official Plan designation in order to identify which sites were considered to have redevelopment potential (“soft sites”). The analysis identified a total of 12 candidate redevelopment sites or “soft sites” for further, site-specific design analysis of redevelopment potential including a review of built-form potential.

Massing assumptions, including angular plane for scale transition, were used in assessing potential incremental redevelopment opportunities in each case, in order to minimize adverse impacts on *Neighbourhoods* and *Apartment Neighbourhoods* in the general vicinity.

The proposed overall massing strategy along Sheppard Avenue East consists of 5-storey street-related mid-rise buildings fronting onto Sheppard Avenue East and taller tower buildings which are generally deeper into the sites. The general pattern of development would allow for the creation of continuous 5-storey street-related buildings along Sheppard Avenue and separation of towers from the low-rise residential neighbourhoods to the north.

Along Victoria Park Avenue, the approach is based on street-related mid-rise buildings forming an appropriate relationship with the street less than a 1:1 ratio of building height to street right-of-way width. Development sites south of Sheppard Avenue East do not include tower buildings due to the proximity of the *Neighbourhoods* designation to the east. Three of the four sites along Victoria Park Avenue include townhouse blocks which provide additional transition to the low-rise *Neighbourhoods*.

The intersection of Sheppard Avenue East and Victoria Park Avenue represents a peak in terms of building height and intensity of land use for both *Avenue* segments given it's a major intersection of two arterial roads and has the potential for a future LRT/subway station. The four development blocks situated at the intersection include both base and tower elements at the street corners rather than at the rear of the sites.

The total number of residential units which could result from the redevelopment of the 12 “soft sites” would be approximately 7,250 units, based on a prototypical average gross unit size of 80m² and allowing for ground floor commercial uses along the Sheppard Avenue East and Victoria Park Avenue frontages.

The study was circulated to appropriate City divisions for review and comment. Transportation and engineering staff did not raise any concerns or objections with the consultants findings.

From a transportation perspective, the segment study concludes although the redevelopment of the soft sites in the study area could potentially generate a significant amount of traffic, the impacts would be mitigated to a large extent by the removal of

existing traffic from the soft sites, the introduction of rapid transit along Sheppard Avenue East and the introduction of new roads.

The ASR based densities on the assumption that rapid transit would be in place to support higher density. As noted previously, a timetable or funding is not in place so rapid transit may not occur. Further, densities were based on the creation of new streets and/or property assembly which may or may not occur. Moreover, while certain lands within the two Avenue segments are designated *Mixed Use Areas*, most of the lands are designated *Employment Areas* and would require an amendment to the Official Plan in order for mixed-use development, including a residential component, to occur.

From a servicing perspective, the applicant's servicing consultant has assessed the implications of the redevelopment opportunities and concludes that there is existing municipal infrastructure consisting of storm, sanitary sewers and watermains as well as various utilities available to service future potential development.

From a community services and facilities perspective, the implications of the redevelopment opportunities for the sites within ASR were based on the findings of the applicants Community Services and Facilities (CS&F) study that was filed with the application. With the exception of daycare space, the study concluded the area is generally well served by existing and planned community services and facilities (parks, recreation centres and libraries) and could sustain the projected population generated by the redevelopment of the “soft sites”. The study points out that potential redevelopment would occur over a number of years thus providing time to make appropriate adjustments in service levels as development proceeds.

The *Employment Areas* land use designation did not contemplate residential development on the site. Parks, Forestry & Recreation staff that note the additional units projected in the ASR could put pressure on community services and facilities that currently serve residents living in the area. They recommend previous CS&F reviews undertaken for this area be revisited at an appropriate time as part of the planning approvals process to ensure community services and facilities keep pace with any development.

While the proposed development at 2205 Sheppard Avenue East is supportable subject to the resolution of the issues outlined in the report, the conclusions with respect to land use and intensity on other lands within the two segments cannot be considered conclusive in terms of future consideration of any development applications that the City may receive. Any future development applications submitted in the Avenue Segment will be evaluated on their own merit, with staff having the benefit of reviewing full and detailed development proposal submission materials including but not limited to impacts on the employment lands, traffic studies, servicing reports and community services and facilities reports.

Land Use

The OMB has determined that a mixed use development with primarily residential uses on the Atria IV site is appropriate. The land use on the balance of the lands (Atria I, II and III) is to remain employment. The existing Zoning By-law for the Atria lands deals with development on a comprehensive basis. Therefore, in addition to establishing appropriate performance standards for the mixed use proposal on the Atria IV site, the Zoning By-law will need to be revised to reflect the commercial gross floor areas that currently exist and are to be maintained on the Atria I, II and III portions of the site.

Density, Height, Massing

The Official Plan public realm policies call for comfortable, safe, and accessible public streets, parks, and open spaces, and street-oriented developments. The Official Plan's built form policies indicate that new development should be designed to fit with its existing and/or planned context; frame and support adjacent streets, parks and open spaces; and limit its impacts on neighbouring streets, parks, and properties. The Plan includes specific built form policies regarding tall buildings, and the City's Tall Buildings Guidelines provide detailed guidance on the design of tall buildings. The City has also conducted a Midrise Typology study to investigate design criteria and performance standards for mid-rise buildings along Avenues. These policies and guidelines have informed the review and assessment of the proposal.

The proposed building heights are compatible with existing building heights in the surrounding area, which includes existing and approved tall buildings along Sheppard Avenue and within the interior of the Consumers Road employment area, including the existing 17-storey Atria II and Atria III office buildings (approximately equivalent to a 24-storey residential building). The proposed design locates the tallest building at the greatest distance from the low-rise residential area to the north, with heights stepping down to the north and east on the development site. The deployment of building heights results in an appropriate transition in height across the development site.

Along Sheppard Avenue, the 5-storey mid-rise building defines the street at an appropriate scale and is similar in height to the podium building within the Monarch's Heron Hill development to the west. Furthermore, the massing of the proposed mid-rise building has been articulated in the middle of its length to break up the massing of the building and create interest along the streetscape.

Within the development site, the 4-storey height of the base building will provide a comfortable street proportion appropriate to a local street. The proposed 8-storey building with grade-related units is similar in height to the existing Atria I office building to the east and will frame the proposed interior park.

All of the tall buildings in the design are under a 45-degree angular plane measured from the closest low-rise residential properties to the north. The proposed heights of 17, 23 and 43 storeys for the three towers and density of the development are similar to the approved heights and density for the Monarch development to the west (i.e. 25, 30 and 38 storeys).

The gradation of heights on the site and the separation distances of each tower from one another will create visual interest to the skyline and maintain adequate skyviews from adjacent streets and maintain privacy between apartment towers. From a massing perspective, the tower floorplate sizes are considerably smaller than many of the existing and approved buildings in the immediate and surrounding area. As set out in the next section of the report, the slender point tower design of the buildings will not create adverse shadowing, privacy or sky view impacts.

Based on the above it is staff's view the proposed building heights and density can be supported.

Light and Privacy

Concerns were expressed at the community consultation meeting that the development may create undesirable overlook and privacy concerns for the existing residents located on the north side of Sheppard Avenue East.

The Official Plan development criteria applying to the *Mixed Use Areas* designation have a particular focus on potential built form impacts on adjacent lower-scale *Neighbourhoods*. In particular, policy 4.5(2)(c) requires buildings to be located and massed to provide a transition through appropriate setbacks and/or stepping down of heights towards lower scale *Neighbourhoods*.

The proposal addresses Official Plan policy by providing an appropriate transition towards the lower scale *Neighbourhoods* designation to the north (i.e. along Hickorynut Drive). The 5-storey building would create a comfortable street relationship along the Sheppard Avenue frontage. The towers are set back from the lower scale *Neighbourhood* to the north (in excess of approximately 62 metres), which will minimize the potential for overlook and privacy impacts.

As it relates to impacts on neighbouring streets, parks and open spaces, the proposed development is consistent with policy 3.1.2(3) in that the proposed development will be massed to fit harmoniously into its existing and planned context by massing new buildings to frame adjacent streets in a way that respects the street proportion, creating appropriate transitions in scale to neighbouring buildings and providing adequate light and privacy conditions within these spaces by limiting shadowing and uncomfortable wind conditions.

In terms of privacy and sky view impacts between the proposed towers, the impacts will be minimal given that the proposed tower separation distances range from approximately 26.5 metres to 60 metres, which are greater than the minimum 25-metre separation distance identified in the Tall Building Design Guidelines.

The floorplates of Buildings B (23-storeys) and D (43-storeys) are approximately 756m². The floorplate of Building C (17-storeys) is approximately 784m². While not within the

750 m² maximum recommended by the Tall Building Guidelines their shape and orientation on the site would create acceptable light and skyview conditions.

It is staff's view the proposed development will have acceptable built form impacts on open spaces and properties, in particular, on lands designated *Neighbourhoods*.

Sun, Shadow, Wind

Section 3.1.2.3 requires new development limit its impacts on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces. Official Plan policy places particular importance to shadow impacts on parks and on low-rise *Neighbourhoods* designations. The nearest lands designated *Neighbourhoods* are located opposite the site on the north side of Sheppard Avenue East. The rear yards of the properties on Hickory Nut Drive back onto Sheppard Avenue East. The nearest park is Hickorynut Parkette located northwest of the site along Sheppard Avenue East.

In order to assess shadow impacts, a shadow study was undertaken for the proposed design. The assessment confirms the proposed development will not result in any unacceptable shadow impacts on the lands designated *Neighbourhoods* to the north or on the Hickorynut Parkette. While the study shows that there is no shadowing impact on the parkette and residential properties backing onto the north side of Sheppard Avenue East, staff has concerns with shadow impacts on the sidewalk within the Sheppard Avenue right-of-way. The study shows shadow cast on the north sidewalk of Sheppard Ave East at the equinox. The intent of *Avenues* with mid-rise buildings is that a minimum of 5-hours of sunlight should be provided on the Avenue, including public sidewalks, from 10:18 a.m. to 3:18 p.m. It is recommended that the building massing and configuration be further refined to reduce the shadow impacts on the public realm of Sheppard Ave East.

Notwithstanding the above noted concern within the public realm, it is staff's view that the shadow impacts on the *Neighbourhoods* designation satisfy the Official Plan criterion of being "adequately limited" and that the shadow impacts would not adversely affect the utility of the Hickorynut Parkette.

The applicant has submitted a preliminary wind assessment of the proposed development prepared by RWDI Inc. The assessment concludes that generally, wind comfort conditions are acceptable and that the projects positive design features for wind control such as base buildings with step backs, canopies, stepped building facades, balconies, parapet walls and landscaping should be retained and enhanced in the final design. The consultant notes the proposed westerly buildings will be exposed to the prevailing westerly winds and are expected to create high wind activity at the pedestrian level. The consultant is recommending further testing be conducted at a later design stage to quantify the wind conditions and develop wind control solutions. Further wind studies and potential mitigative design solutions will be addressed and secured through the Site Plan approval process.

Public Realm

The Official Plan sets out policies to ensure that new streets, new city blocks and new parks and open spaces will be designed to address public realm objectives. Section 3.1.2 of the plan indicates “development must be conceived not only in terms of the individual building site and program, but also in terms of how that building and site fit within the context of the neighbourhood and the City”. In order to integrate the proposed development into the surrounding area, a large proportion of the development site (approximately 27%) will be devoted to the public realm through the introduction of new public streets and parks.

A new east-west public street is proposed approximately mid-block on the Atria IV development site. In addition, lands that presently contain an existing private driveway (Atria Boulevard) will be conveyed to the City for public road purposes. The streets will not only provide vehicular and pedestrian access to the proposed development, but will also provide opportunities to connect through adjacent properties to the existing public street network, which will increase the accessibility to the surrounding area and provide for alternative routes in and out of the proposed development. The proposed new public streets would be consistent with applicable public realm policies set out in the Official Plan.

Policy 3.2.3(1)(a) indicates that adding new parks and amenities is a necessary element of city-building, particularly in growth areas such as *Avenues*. Policies of the Plan relating to new parks and open spaces speak to the need for new parkland to be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park, be of a usable shape, topography and size that reflects its intended use, and be connected where possible to an existing green space.

In this regard, the proposed development provides for two public parks, one large park located internally within the site with frontage on the new public street, directly adjacent to the existing Atria private open space to the south, and one linear park with frontage on Sheppard Avenue East that will provide a linkage to the larger park and give the two integrated parks a presence on Sheppard Avenue. The resulting parkland dedication amounts to just over the 15% of the development site area net of conveyances for public road purposes (as per Official Plan Policy 3.2.3(5)).

The smaller linear park is approximately 1,277m² in size, is rectangular in shape and would have frontage on Sheppard Avenue East and the two proposed streets. The larger park is approximately 1,699m² in size and is rectangular in shape. Given its interior location, size and dimensions the park can provide for a mix of active and passive uses. The proposed 8-storey building along the west edge of this park will frame the park at an appropriate proportion and help to provide a safe environment for users of the park with “eyes on the park”, which is specifically encouraged by Policy 3.1.1(16).

The proposed parks will address the public realm policies set out in Official Plan.

Furthermore, the introduction of new public parks on the site will improve pedestrian connections for future residents within the proposed redevelopment, as well as for existing residents and employees in the surrounding area.

Traffic Impact, Access

The applicant filed an updated Traffic Impact Study in support of the proposed development. The study evaluates the incremental traffic impacts of the redevelopment proposal along Sheppard Avenue East from Yorkland Road to Victoria Park Avenue and along Victoria Park Avenue from Sheppard Avenue East to Consumers Road. The study also examined traffic implications of the proposed development with two scenarios: a future subway and a future LRT on Sheppard Avenue East. The study concludes that the net increase in traffic on the levels of service for the intersections on Sheppard Avenue East and Victoria Park Avenue in the study area will be relatively minor and the addition of traffic from the Atria IV development will have little effect on the operation of the intersections on the area. Transportation Services Division staff has reviewed the study and accepts its conclusions.

New public roads (Street 'A' & Street 'B', respectively) are proposed to accommodate the development. Street 'A', a new east-west road with a 20m right-of-way is proposed mid-block on the Atria IV site while Street 'B' (currently a private road off Sheppard Avenue known as Atria Boulevard) will be converted to a public street with a 23m right-of-way. The existing median that restricts turning movements onto Sheppard Avenue will be extended further south into the site and an all-way stop controlled intersection at Street 'B' / Street 'A' will be required. Street 'A' has been designed so as not to preclude a potential extension west to Consumers Road in the future. In the interim condition, Street 'A' will end in a cul-de-sac.

Technical Services staff envision a potential north-south public roadway that would connect Street 'A' with Settlers Road to the south. The road would have an 18.5m right-of-way width. As a result, 9.25m from the subject site's western property limit must be conveyed to the City. In the interim, the applicant has proposed a private laneway connecting to Settlers Road. This will provide site traffic the capability to access westbound lanes of Sheppard Avenue East as left-turns will be prohibited from Street 'B' onto Sheppard Avenue East. The applicant will be required to enter into an encroachment agreement with the City to operate this roadway as a private laneway. A strata conveyance at the proposed cul-de-sac will also be required.

Transportation Services foresees the opportunity for a shared (private) driveway between the north parcel of the development and the property to the west. In the ultimate future design scenario the cul-de sac on Street 'A' would be replaced to accommodate a typical four legged intersection. Transportation Services advise the current alignment of the proposed driveways north and south of the cul-de-sac of Street 'A' should be shifted to the western most property limit so as to align with the future north-south road. The site plan must be revised accordingly.

The applicant is proposing private driveway aisle connections beneath the public right-of-way of Street 'A' at the P2 and P3 parking levels of the two underground parking garages. The applicant has indicated the connections provide additional flexibility to allow for efficient use of a consolidated parking facility, minimizes the number of underground parking levels and provides an alternative route for vehicles in the event there are mechanical problems with the garage doors. Transportation Services does not consider this is sufficient rationale and is requiring additional rationale from the applicant.

Technical Services staff advise any relevant issues regarding the new east-west road and the conversion of the north portion of Atria Boulevard to a public road will be reviewed in detail upon receipt of a plan of subdivision application. During this process the applicant will be required to update the Servicing Report to include functional design, cross sections, design details and engineering estimate of the Municipal Roads.

The Toronto Transit Commission has reviewed the application and has no objections to the proposal however they note the site is located on a portion of Sheppard Avenue East that has been identified as a future rapid transit corridor. As such, the applicant will need to apply attenuation measures so that potential levels of noise, vibration, electro-magnetic interference, and stray current that may be transmitted by their transit operations be applied in the design of the project. TTC advises prospective purchasers should be informed through a clause in the purchase agreement and that TTC accepts no responsibility for any of these effects. The TTC requirements would be addressed at the Site Plan approval stage.

This report includes a recommendation that City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Zoning By-law amendment until such time as the owner has made an application for Plan of Subdivision to secure matters relating to the proposed east-west public road and the conversion of the north portion of Atria Boulevard to the satisfaction of the Director, Development Engineering, Technical Services Division.

Parking

The Official Plan states development in *Mixed Use Areas* should take advantage of nearby transit services and provide an adequate supply of parking for residents and visitors. In view of the proximity of the site to a higher order transit corridor, Transportation Services staff is recommending the following parking rates:

- 0.9 to 1.0 spaces per dwelling unit for a 1 bedroom unit;
- 0.9 to 1.3 spaces per dwelling unit for a 2 bedroom unit;
- 1.0 to 1.5 spaces per dwelling unit for a 3+ bedroom unit;
- 0.10 spaces per dwelling unit be provided for visitors; and

- 1.0 to 4.0 spaces per 100 m² of GFA.

The proposal includes a total of 1,282 spaces of which 1,149 are resident spaces, 123 are residential visitor spaces, and 10 are commercial parking spaces. All of the parking will be provided in four levels of underground parking to maximize landscaping and open space opportunities. The proposed parking supply is within Transportation Services' recommended parking rates. Transportation Services staff advises any parking spaces proposed over the minimum requirement must be provided with roughed-in conduits to allow for future electrical outlets for plug-in electric vehicles. This matter would be dealt with as part of the Toronto Green Standards review during the site plan stage.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, "Policies, programs and infrastructure will be introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments".

Transportation Services are recommending the following on each of the two development blocks:

- 200 bicycle parking spaces of which 80% are to be allocated to occupants and 20% are to be allocated for visitors.

Loading Facilities

Official Plan policy requires service areas, ramps and garbage storage to be located and screened to minimize the impact on adjacent streets and residences.

The service areas, ramps to underground parking and garbage storages areas are contained within the buildings and not visible from adjacent streets and properties. Generally, the design and layout of the loading arrangements have been accepted by Transportation Services and Technical Services. However Transportation Services staff advise the plans will need to be revised to accommodate an additional Type "C" loading space for Buildings D and E. Staff advise the on-site loading supply must satisfy the following minimum requirements:

North Site:

- Buildings A & C – one (1) shared Type 'G' and one (1) shared Type 'B' loading spaces; and
- Building B – one (1) Type 'G' loading space.

South Site:

- Buildings D & E – one (1) shared Type 'G' and one (1) shared Type 'C' loading spaces.

Transportation Services staff further advise truck turning templates illustrating the turning path of a loading vehicle entering and exiting the site in a forward direction will be required during the Site Plan approval stage.

Streetscape

Official Plan policies require that new development frame street edges and provide an attractive, comfortable and safe pedestrian environment. The proposal appropriately addresses this policy. Buildings are aligned along the street edges to provide an appropriate street presence and street enclosure with appropriate setbacks to accommodate landscaping opportunities and general site amenity. The design also features units with street related access. New public sidewalks will be provided and the public boulevards abutting the sites will be planted with a row of trees. Details will be secured through the Site Plan approval stage.

Revisions to plan at this stage are recommended along the Sheppard Avenue East edge of the development. Staff is recommending the setback along Sheppard Avenue East be increased from 4m to 5m to be consistent with the remainder of the corridor and accommodate adequate pedestrian amenity along the street. Further, staff is recommending the built form of Building A (the 5-storey building along Sheppard Avenue East) be extended further west such that the west wall is parallel to the west property line with a setback not exceeding 11 metres.

Servicing

The engineering consultant filed a Functional Servicing Report, Site Servicing Plan and Site Grading Plan for the proposed development. The report concludes no improvements to the existing sewer will be required to accommodate the proposed development. Technical Services staff support the application subject to the applicant submitting revisions/corrections to the Functional Servicing Report, Site Servicing Plan and Site Grading Plan.

Amenity Space

Section 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The Plan is not prescriptive as to the location or amount of open space rather each application is assessed based on its own merits and context.

Common indoor amenity space is proposed at a rate of 1.5m² per dwelling unit to serve the proposed development. Based on 1,095 units this rate equates to 1,642m² of space. Details have not been finalized however it is anticipated indoor amenity space may include fitness facilities, meeting rooms and party/entertainment rooms. Common outdoor residential amenity space would be provided at a minimum rate of 1.5m² dwelling unit in the form of landscaped gardens and open space, and rooftop gardens.

The amount common indoor and outdoor amenity space is similar to other large developments and is acceptable to staff. The amending Zoning By-law for the site should incorporate these rates as minimum performance standards.

Open Space/Parkland

Applicability of Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area that is being converted from employment to residential. The site is in a parkland priority area as per the City Wide Parkland Dedication By-law 1020-2010.

Calculation of Parkland Dedication

The Owner has applied to construct 1,095 residential units and 939m² of commercial uses. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 1.46 hectares or 75% of the residential portion of the site area. As such a cap of 15% is applied to the residential component while the commercial space is subject to a 2% parkland dedication requirement. The residential component will generate a parkland requirement of 0.2923 hectares while the commercial component will generate a parkland requirement of 0.0004 hectares. In total, the parkland dedication requirement will be 0.2927 hectares (2,927m²).

Proposal for Parkland Dedication

Parks, Forestry and Recreation (PFR) requires that an on-site parkland dedication be provided. The area is changing from an employment area to a residential area and there are currently no parks in the area. The plans submitted currently show two park blocks: the first is a linear block of 1,277m² and the second is 1,669m². PFR has examined the proposed park layout and finds that the two park blocks, totalling 0.2947 hectares (2,947m²) are acceptable. The proposed parkland dedication (2,947m²) is more than the parkland dedication requirement of 2,927m². The applicant will not receive credit for the over dedicated amount. The park blocks are to be unencumbered, developable table land, of uniform shape, visible and publicly accessible with street frontage.

Parks Development Charge Credit

Parks, Forestry and Recreation are recommending a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. They are also recommending that the owner receive a development charge credit in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law.

Parks, Forestry and Recreation staff advise that while it is not routine practice to provide a development charge credit for parks improvements, from time to time, especially when a new park is proposed as part of a development, Council has approved a development charge credit against the Parks and Recreation component of the development charges for the design and construction by the developer of the Above Base Park components (ie. playgrounds, splash pads, landscaping etc.). Parks staff has advised they have consulted with staff in Finance before making the recommendation to use the parks and recreation component of the development charges.

This report includes a recommendations on that City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Zoning By-law amendment until such time as the above matters are addressed.

Section 37

Section 37 of the *Planning Act* gives municipalities with appropriate Official Plan policies the authority to pass zoning by-laws to permit more height and/or density for a use than is otherwise permitted by the Zoning By-law for that use in return for the provision of community benefits in the form of capital facilities. Policies dealing with the use of Section 37 are found Section 5.1.1 of the Official Plan.

In December 2007, City Council adopted implementation guidelines for the use of Section 37. The guidelines state that no citywide formula, or quantum, exists in the Official Plan or the guidelines for determining the level of Section 37 benefits. With no set formula, the value of community benefits varies from project to project or from one area of the City to another. Community benefits are specific capital facilities (or cash contributions toward specific capital facilities) and can include matters such as parkland and/or park improvements above the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, community facilities and/or local improvements to transit facilities. The community benefits must bear a reasonable planning relationship and a demonstrable connection between the proposed development and the Section 37 community benefits.

The specific community benefits secured through a development proposal are the result of community consultation, discussion among City staff, the owner, and the local Councillor. The Official Plan indicates that Section 37 community benefits will be selected on the basis of local community needs, intensification issues in the area, the nature of the development application and the objectives and policies of the Plan. Priority is to be given to on-site or local community benefits. Before consideration can be given to the securing any Section 37 benefits, the proposed development must constitute good planning. It's the view of planning staff that the proposal constitutes good planning subject to the issues raised in this report being addressed.

The applicant's Planning Rationale suggested appropriate community benefits could include the provision of space within the development for child care facilities, community space for local community groups and agencies or space for programs for

seniors, youth and social services. A second option suggested was a cash contribution directed towards a community facility in the area.

Planning staff, in consultation with the Ward Councillor, have identified a need to improve local parkland and community facilities in the area. Section 37 community benefits that could be used for this application could include a cash contribution towards capital improvements in Clydesdale Park and/or Pleasantview Community Centre and/or Hickory Nut Parkette. All three facilities are located in the residential community north of Sheppard Avenue East and have an appropriate geographical relationship to the development site as required by Plan policy.

Staff support of the proposal is subject to the applicant providing appropriate public benefits in accordance with Section 37 of the *Planning Act*. Residential development on these lands was not anticipated by the Official Plan. Therefore community benefits are considered an important component of the redevelopment. At the time of finalizing this report a Section 37 proposal had not been submitted by the applicant therefore staff are recommending the City Solicitor and City staff be authorized to continue discussions with the applicant, in consultation with the Ward Councillor, concerning the appropriate community benefits to be secured pursuant to Section 37 of the *Planning Act*.

The Real Estate Appraisal Division has provided Planning staff with a land value of \$37 to \$40 per square foot of density or \$398-\$431 per square metre of density. The density increase (i.e., the proposed residential use) is 93,521m². Based on this appraisal, the value of the net density increase above the as-of-right zoning is \$37.2 million to \$40.3 million.

Tree Preservation

There are no trees City owned trees on the Sheppard Avenue East public boulevard however there are a number of trees on private property that meet the size criteria for protection under the City's Private Tree Protection By-law No. 780-2004.

The tree assessment plan filed with the application reveals the vegetation found on the site consists of tree plantings along the west and north property lines, around the tennis courts, and around the perimeter of the parking lot. The arborist report includes an inventory of the existing trees detailing species, size and description of their condition. The report advises most of the trees that qualify for protection are in poor condition due to competition and neglect. Poor horticultural practices, pest damage and the girdling of trunks by tree ties have negatively impacted most trees in the development area. As such the arborist is not recommending any tree preservation.

Urban Forestry Services staff has advised the applicant will be required to file a tree preservation plan showing the existing trees as noted in the Tree Assessment Plans along with the proposed building structures superimposed on a plan in order to determine which trees could be retained as part of the proposed landscape plans. Matters pertaining to tree preservation, replacement tree planting and new tree planting within the public

boulevards abutting the site will be reviewed and secured during the Site Plan approval process.

Toronto Green Standard

The Toronto Green Standard (TGS) and Green Roof By-law came into force and effect on January 31, 2010. The application was submitted prior to this date, therefore the TGS is applied on a voluntary basis. The applicant indicates they will be meeting the Tier 1 guidelines which include energy saving mechanical systems, low water use plumbing fixtures, stormwater management features, environmental and planting features and green roofs as required under the Green Roof By-law. The measures will be secured through the Site Plan approval process.

Tenure

The proposed units will be part of one or more condominium corporations. Applications for draft plan of condominium approval would be required.

School Boards

The Toronto District School Board reviewed the application and advise there is insufficient space at the local schools to accommodate students anticipated from the proposed development and it may be necessary for students to be accommodated in facilities outside of the area. The School Board has requested that as a condition of approval, the applicant enter into an agreement to put up signs advising that students may be accommodated in facilities outside the area until adequate funding or space becomes available. The Board further recommends all offers of purchase and sale of residential units include warning clauses to this effect including policies on bussing. Busing should ameliorate concerns expressed by the local community regarding the safety of students crossing Sheppard Avenue East. The Board's conditions would be included in conditions of draft plan of subdivision approval. Further to the safety concern expressed by area residents it should be noted that the intersection of Consumers Road/Brian Drive/Sheppard Avenue East is signalized.

The Toronto District Catholic School Board did not provide any comments on the application. It should be noted however, that the Catholic School Board has an Education Development Charge by-law in place. Payments are required at the time of issuance of the first building permit.

Site Plan Control

The proposed development is subject to site plan control. The applicant has not submitted an application in this regard. Staff is recommending Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Zoning By-law amendment until such time as the owner has applied for Site Plan Approval and enters into a Site Plan Agreement with the City to secure the conditions of site plan approval.

Plan of Subdivision

The development includes a new public east-west road. As well, a portion of an existing driveway (Atria Boulevard) connecting Sheppard Avenue to the new east-west road would be converted to a public road. The development also includes the creation of two public parks. A Plan of Subdivision would be required. To date, an application has not been filed.

This report recommends that the OMB withhold its Order approving the amending Zoning By-law until the applicant has submitted a plan of subdivision application to secure all matters relating to the public roads and parkland.

Development Charges

At the timing of finalizing this report a breakdown of unit type was not provided therefore Planning staff is unable to provide an estimate on the development charges for this project. The charge is assessed and collected upon issuance of the building permit.

CONTACT

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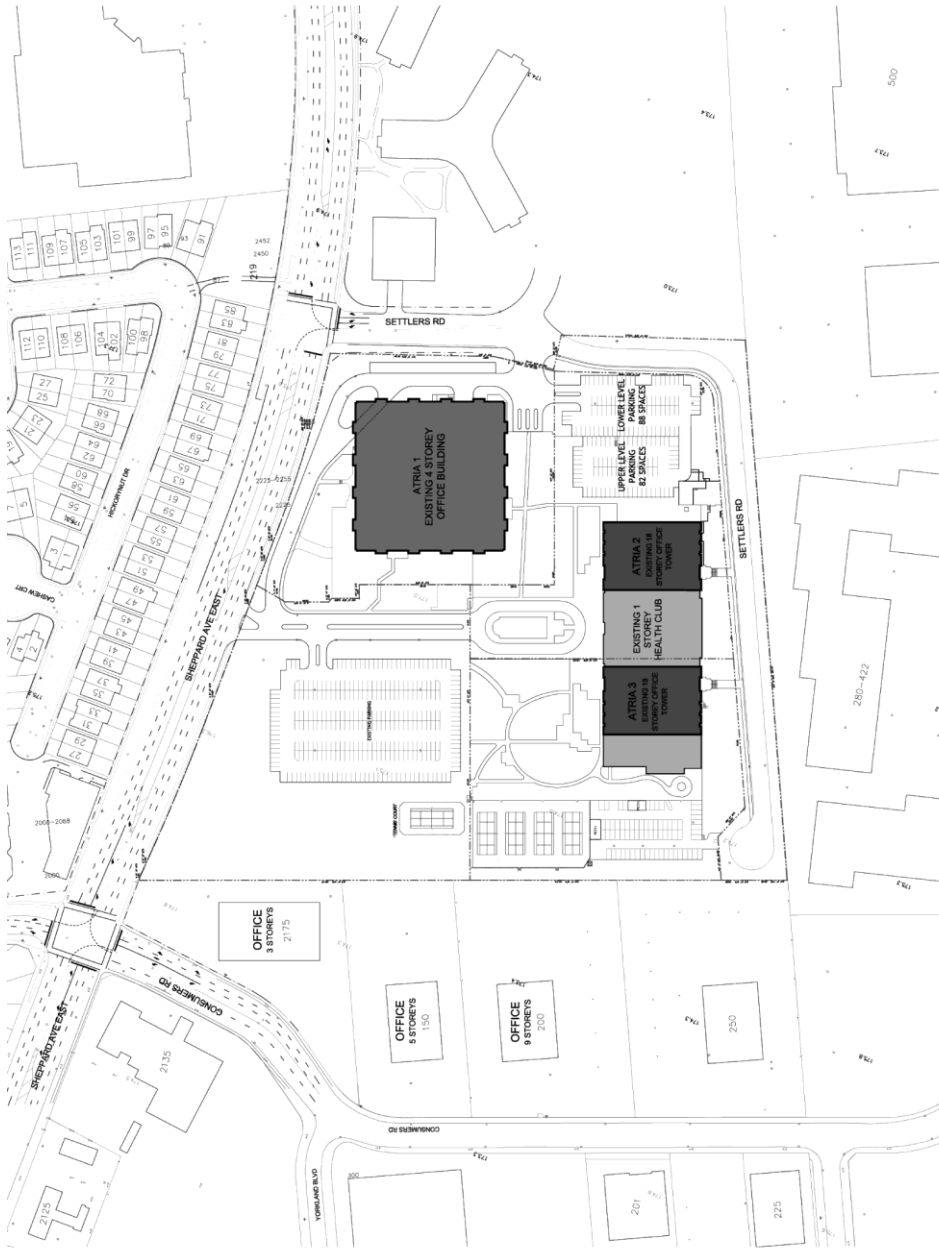
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Existing Site Plan
Attachment 2: Aerial View
Attachment 3: Context Plan
Attachment 4: Proposed Site Plan
Attachment 5: Ground Floor Plan
Attachment 6: North Elevations
Attachment 7: South Elevations
Attachment 8: East Elevations
Attachment 9: West Elevations
Attachment 10: Zoning
Attachment 11: Application Data Sheet

Attachment 1: Existing Site Plan



2205 Sheppard Avenue East

Existing Site Plan

Applicant's Submitted Drawing

Not to Scale
08/26/2011



File # 06 199562 NNY33 0Z

Attachment 2: Aerial View



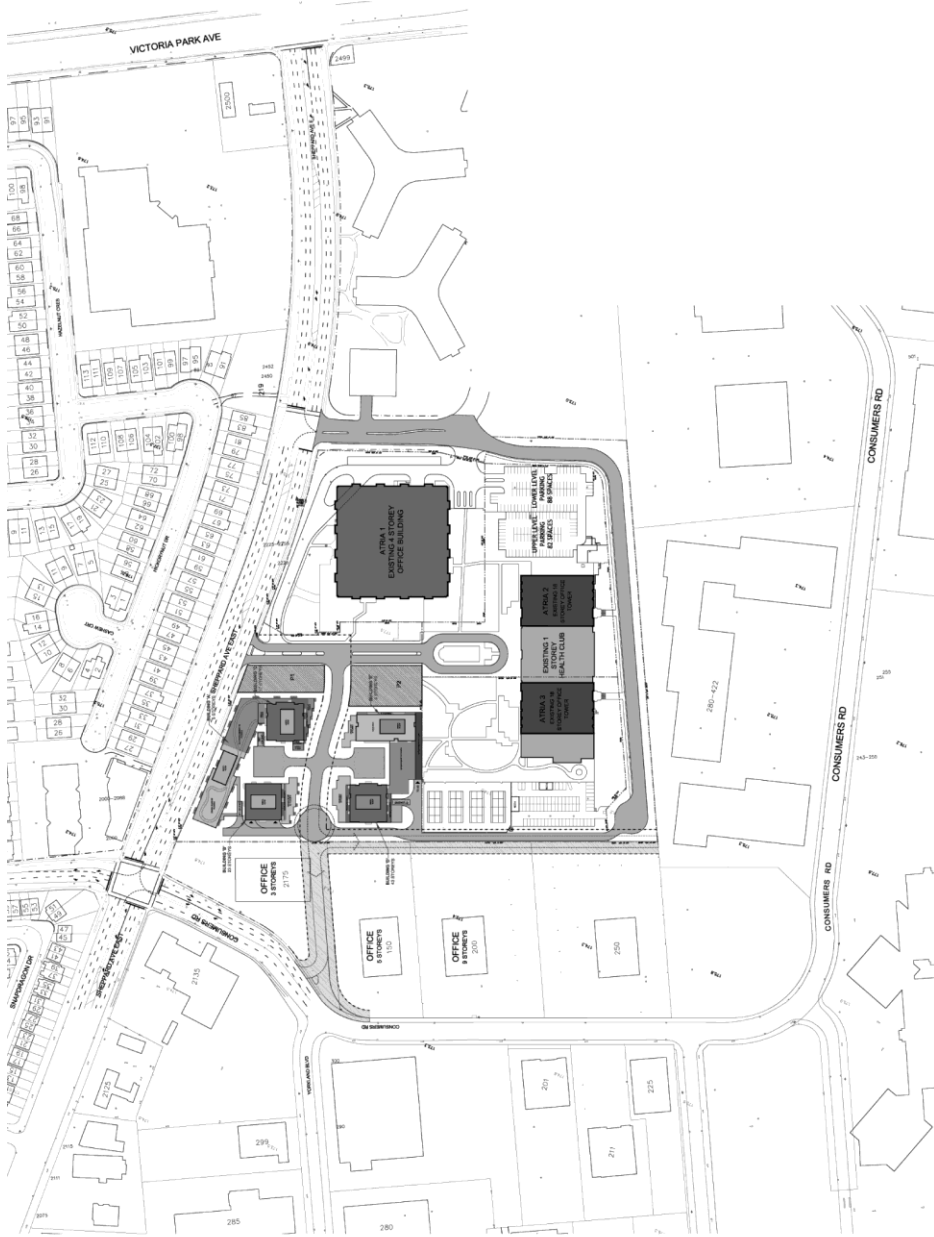
Aerial Image circa June 2005

2205 Sheppard Avenue East

Not to Scale
01/30/07 

File # 06_199562

Attachment 3: Context Plan



2205 Sheppard Avenue East

File # 06 199562 NMY 33 0Z

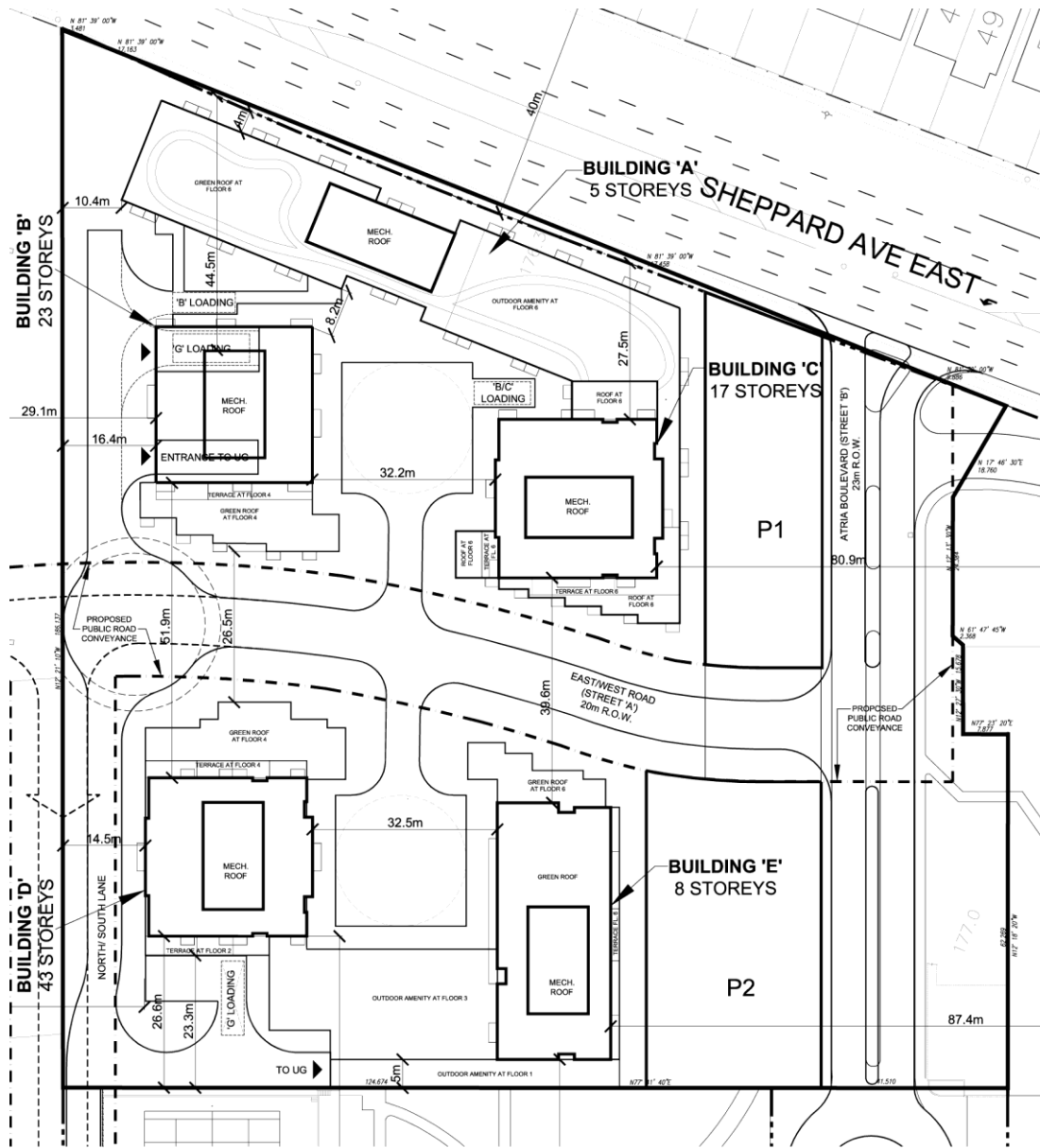
Context Plan

Applicant's Submitted Drawing

Not to Scale
08/26/2011



Attachment 4: Site Plan



Site Plan

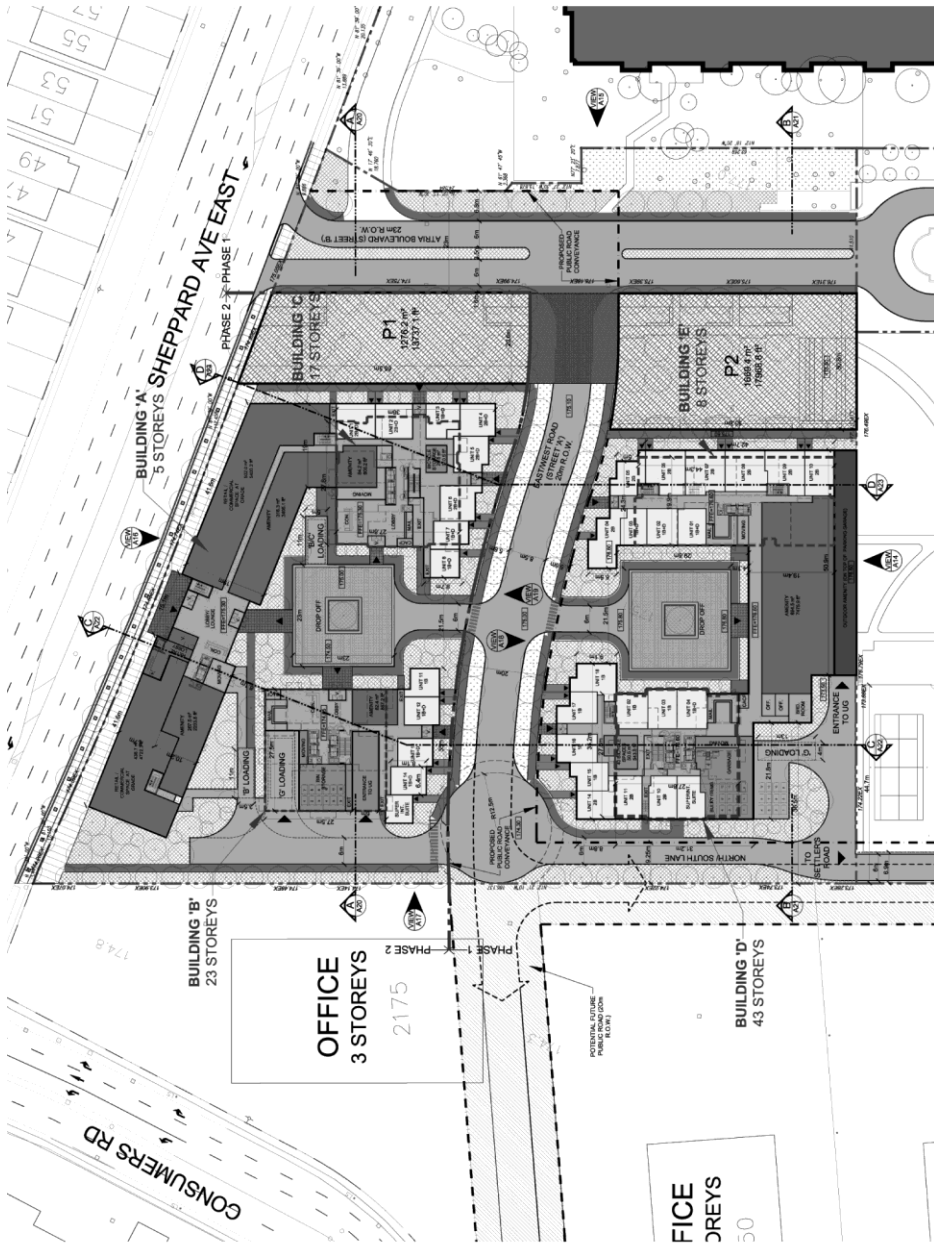
2205 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 

File # 06 199562 NNY 33 0Z

Attachment 5: Ground Floor Plan



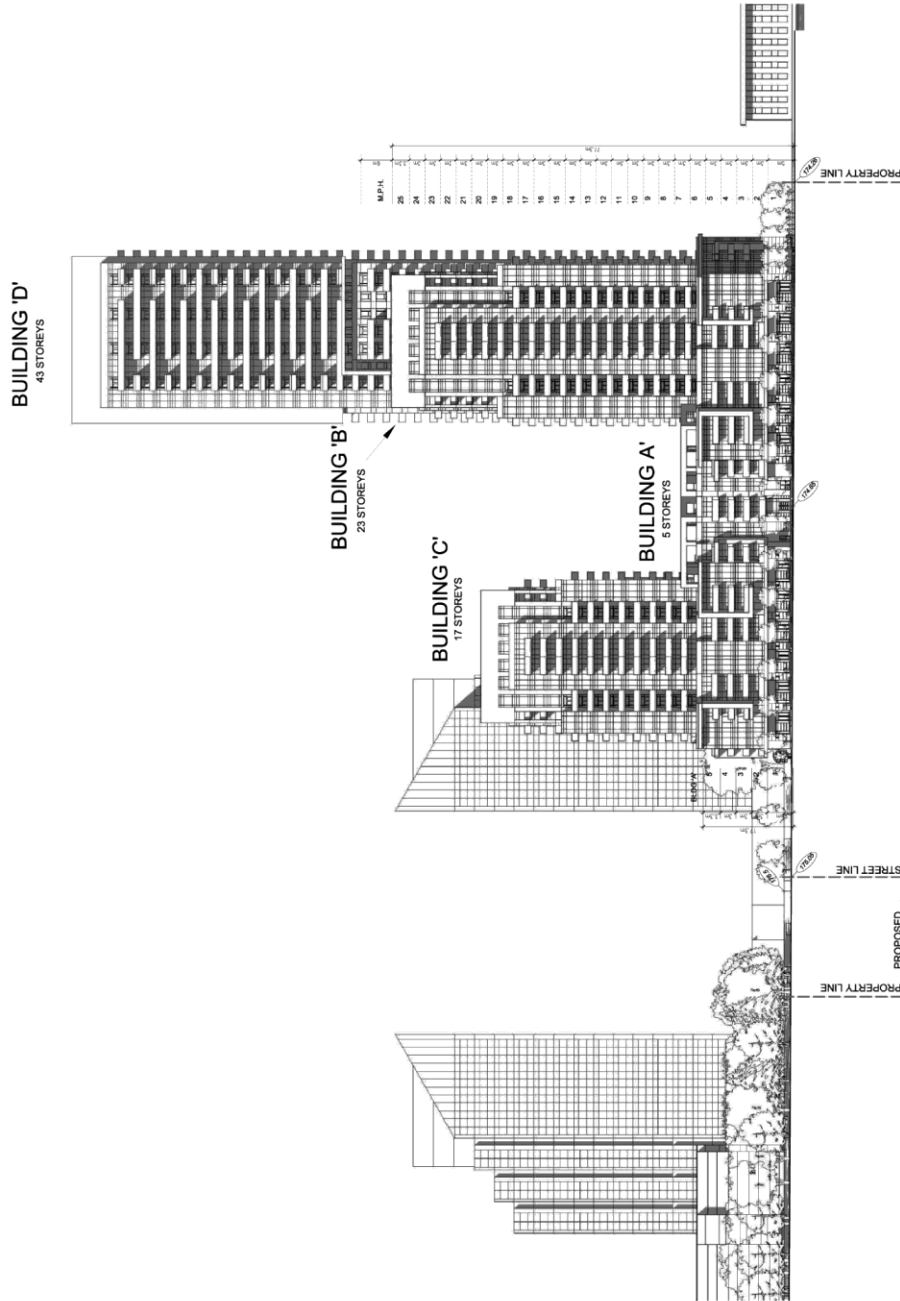
2205 Sheppard Avenue East

Ground Floor Plan
 Applicant's Submitted Drawing

Not to Scale
 08/26/2011

File # 06 199562 NNY33 0Z

Attachment 6: North Elevation



2205 Sheppard Avenue East

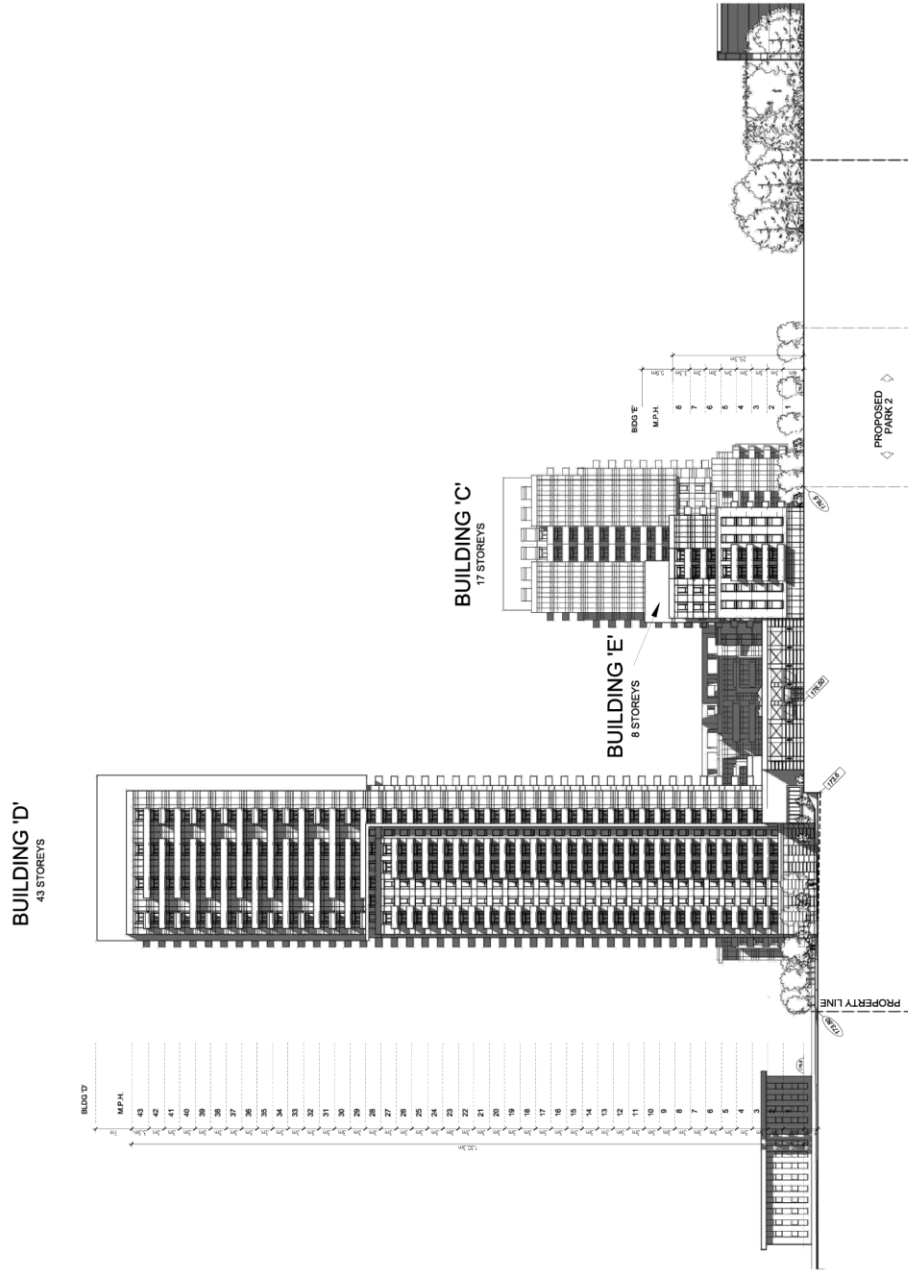
North Elevation

Applicant's Submitted Drawing

Not to Scale
08/26/2011

File # 06 199562 NMY 33 0Z

Attachment 7: South Elevation



South Elevation

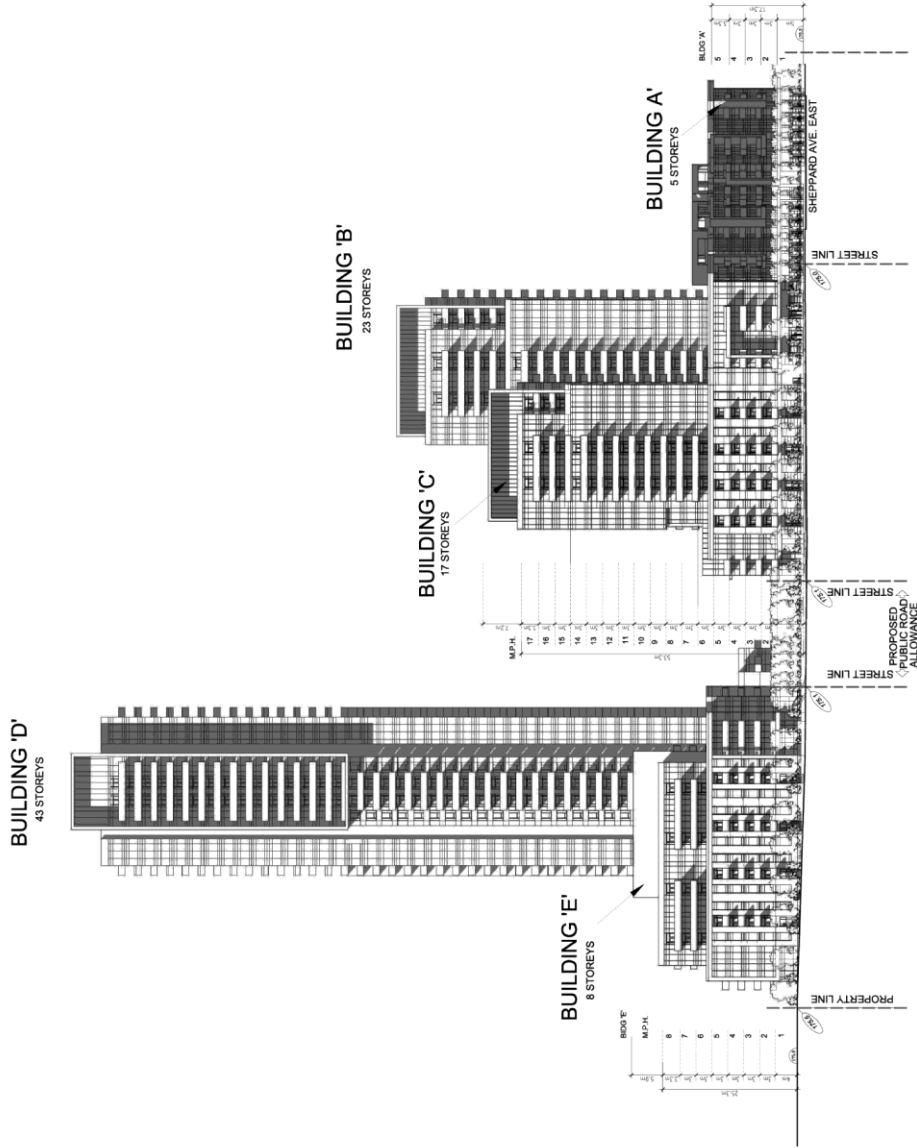
Applicant's Submitted Drawing

Not to Scale
08/26/2011

2205 Sheppard Avenue East

File # 06 199562 NNY 33 0Z

Attachment 8: East Elevation



East Elevation

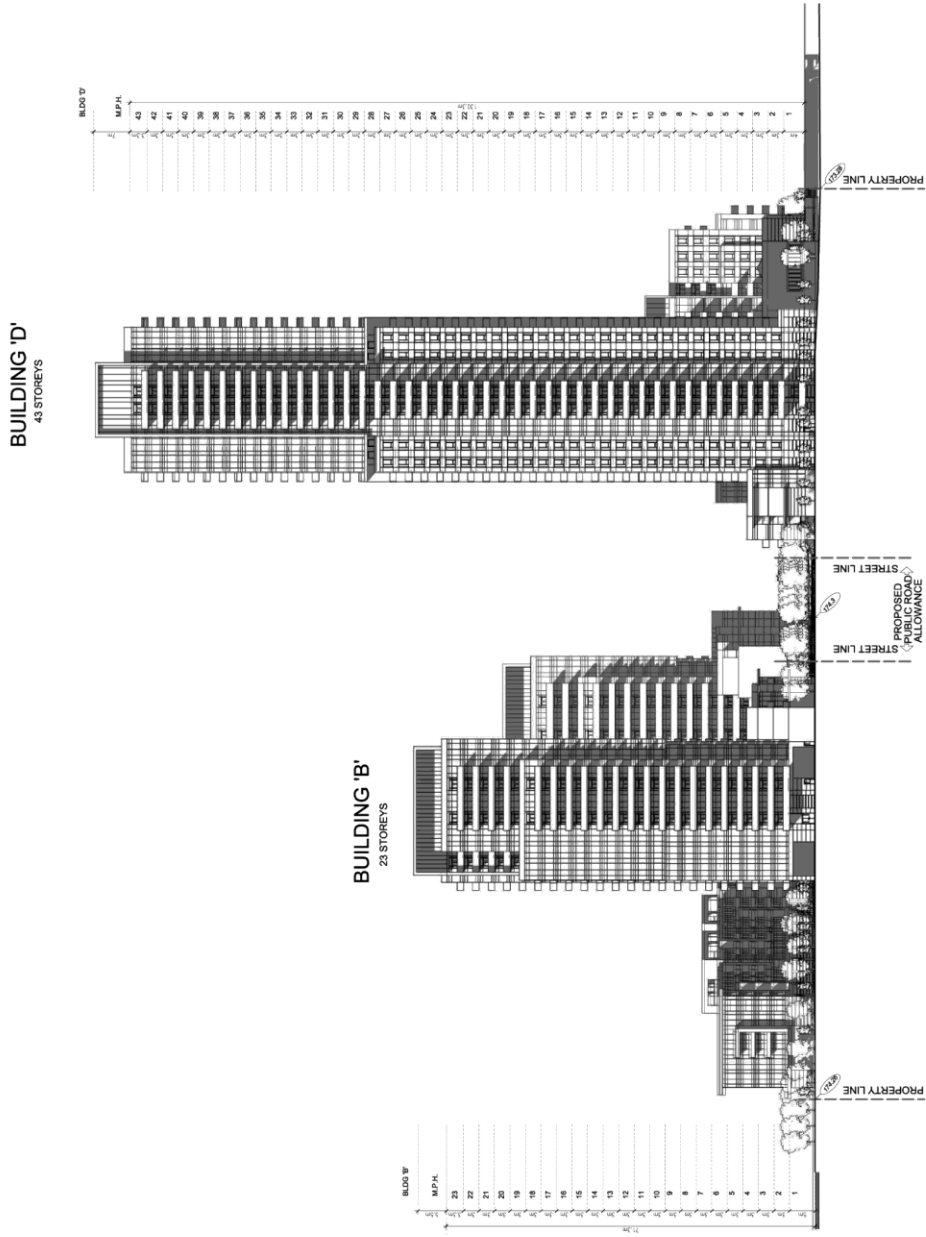
Applicant's Submitted Drawing

Not to Scale
08/26/2011

2205 Sheppard Avenue East

File # 06 199562 NNY 33 0Z

Attachment 9: West Elevation



West Elevation

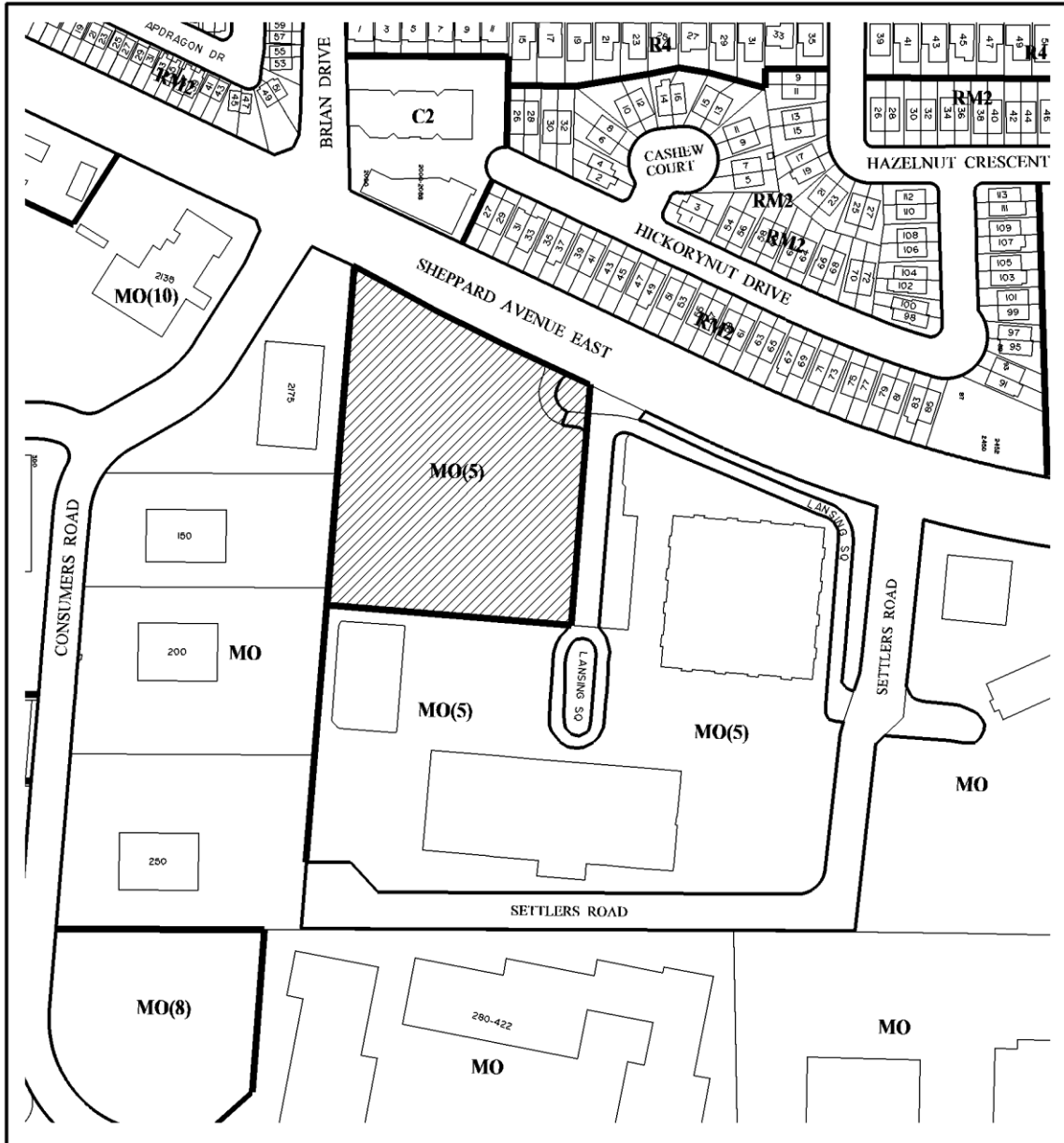
Applicant's Submitted Drawing

Not to Scale
08/26/2011

2205 Sheppard Avenue East

File # 06 199562 NMY 33 0Z

Attachment 10: Zoning




TORONTO City Planning
Zoning

2205 Sheppard Avenue East

File # 06_199562

- MO Industrial-Office Business Park Zone
- C2 Local Shopping Centre Zone
- RM2 Multiple-Family Dwellings Second Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category


 Not to Scale
 Zoning By-law 7625
 Extracted 02/01/07

Attachment 11: Application Data Sheet

Application Type	OPA & Rezoning	Application Number:	06 199562 NNY 33 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 22, 2006
Municipal Address:	2205 SHEPPARD AVE EAST		
Project Description:	Mixed-use development comprising 1,095 dwelling units contained within 5 buildings. The design includes a 5-storey building along Sheppard Avenue East and 4 buildings within the site interior with heights of 8, 17, 23 and 43 storeys. The building along Sheppard Avenue East includes 939 m ² of grade related retail space. The application also proposes new public roads and 0.29 ha (2,947m ²) of public parkland. This proposal follows an OMB decision approving an application to amend the land use designation from Employment Areas to Mixed Use Areas.		

Applicant:	Agent:	Architect:	Owner:
DAVIES HOWE PARTNERS LAWYERS c/o MARK FLOWERS	BOUSFIELDS INC c/o PETER SMITH	TURNER FLEISCHER ARCHITECTS INC c/o PETER TURNER	DORSAY INVESTMENTS 1666500 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	MO(5)	Historical Status:
Height Limit (m):	N/A	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	24790	Height:	Storeys:	5, 8, 17, 23, 43
Frontage (m):	142.6		Metres:	130
Depth (m):	186			
Total Ground Floor Area (sq. m):	N/A			Total
Total Residential GFA (sq. m):	93521		Parking Spaces:	1282
Total Non-Residential GFA (sq. m):	939		Loading Spaces	4
Total GFA (sq. m):	94460			
Lot Coverage Ratio (%):	N/A			
Floor Space Index:	3.7			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m): 88542	5918
Bachelor:	N/A	Retail GFA (sq. m): 939	0
1 Bedroom:	N/A	Office GFA (sq. m): 0	0
2 Bedroom:	N/A	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 0	0
Total Units:	1095		

