



## STAFF REPORT ACTION REQUIRED

# 3445 Sheppard Ave E – Official Plan Amendment and Zoning By-law Amendment Application – Final Report

Date:	April 29, 2015	
То:	Scarborough Community Council	
From:	Acting Director, Community Planning, Scarborough District	
Wards:	Ward 40 – Scarborough-Agincourt	
Reference Number:	13 180572 ESC 40 OZ	

## SUMMARY

The applications propose to amend the Official Plan and Tam O'Shanter Zoning By-law No. 12360 of the former City of Scarborough for the property at 3445 Sheppard Avenue East to permit a mixed use development comprised of two residential buildings (10 and 14 storeys) with 295 units fronting on Sheppard Avenue East with ground floor commercial uses and 4 blocks of 3-storey stacked townhouses with 57 units to the rear of the site. A total of 352 residential condominium units are proposed. A public park at the northwestern portion of the lands fronting Sheppard Avenue East will also be conveyed to City as part of this development.

The development proposes an appropriate level of intensification on Sheppard Avenue East which will benefit from an improved level of transit service once the Sheppard East Light Rail Transit (LRT) is implemented. An LRT stop at Warden Avenue is proposed in close proximity to the site. The proposed height, density and scale of development are appropriate for the site and local area and the development is consistent with the planning framework established by the Sheppard/Warden Avenue Study.

The proposed public park, implements the vision and intent of the Sheppard/Warden Avenue Study by providing a public park with street frontage at a location for access by the



public with high visibility along Sheppard Avenue East.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law, including the requirement for community benefits in return for increased height and density, in keeping with the provisions of Section 37 of the *Planning Act* and the policies of the Official Plan.

#### RECOMMENDATIONS

#### The City Planning Division recommends that:

- 1. City Council amend the Official Plan, for the lands at 3445 Sheppard Avenue East substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to report dated April 24, 2015.
- 2. City Council amend Tam O'Shanter Community Zoning By-law No. 12360, for the lands at 3445 Sheppard Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to report dated April 24, 2015.
- 3. City Council 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.
- 4. City Council approve a development charge credit against the Parks & Recreation component of development charges if the Owner agrees to design and install Above Base Park Improvements at the proposed park. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and installing the Above Base Park Improvements, as approved by the General Manager of 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.
- 5. Before introducing the necessary Zoning Bill to City Council for enactment, City Council require:
  - a. Approval of City-initiated Official Plan Amendment Application 14 151903 ESC 40 OZ, for the lands at 3401, 3445 and 3459-3471 Sheppard Avenue East and adoption of the draft Official Plan Amendment attached as Attachment No. 6 to report dated April 24, 2015.
  - b. the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act, to secure the following community benefit:
    - i. payment of a cash contribution of \$600,000.00, to be directed towards the capital construction costs of the proposed Bridlewood YMCA Community Hub, payable prior to the issuance of the first above-grade building permit and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction

Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment;

- ii. the Owner provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.
- c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - i. The owner shall construct the park block to Above Base Park Condition, as approved by the General Manager of Parks, Forestry and Recreation;
  - ii. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
  - iii. The Owner shall be responsible for any and all costs associated with signal timing optimization including but not limited to hardware modifications, if required, for the future background and total traffic conditions during peak hours at the intersection of Warden Avenue and Sheppard Avenue East.

#### **Financial Impact**

The recommendations in this report have no financial impact.

#### **DECISION HISTORY**

At its meeting of February 7, 2012, Toronto City Council enacted amendments to both the Official Plan and former City of Scarborough Tam O'Shanter and Sullivan Community Zoning Bylaws to implement the findings, in part, of the Sheppard/Warden Avenue Study. The final staff report on the Avenue Study can be found on the City's website at: http://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-43418.pdf

The council-enacted by-laws can be found at: <u>http://www.toronto.ca/legdocs/bylaws/2012/law0128.pdf</u> http://www.toronto.ca/legdocs/bylaws/2012/law0129.pdf

At its meeting of September 10, 2013, Scarborough Community Council (SCC) considered a preliminary report for the zoning by-law amendment application on the subject property. SCC directed that a community consultation meeting be scheduled and that the applicant be responsible for the costs associated with expanding the notice area. The preliminary report is available on the City's website at:

http://www.toronto.ca/legdocs/mmis/2013/sc/bgrd/backgroundfile-60688.pdf

## **ISSUE BACKGROUND**

#### Proposal

The applicant is proposing a mixed-use development comprised of two residential buildings (10 and 14 storeys) with 295 units fronting on Sheppard Avenue East with 1,800  $m^2$  of ground floor

commercial uses and 4 blocks of 3-storey stacked townhouses with 57 units to the rear of the site. A total of 352 residential condominium units are proposed at a total gross floor area of  $30,644 \text{ m}^2$ , which equates to a density of 2.5 times the lot area and a net density of 2.8 times the lot area (excluding the proposed public park).

Vehicular access to the site is proposed from Sheppard Avenue East through a central, northsouth private street between the two mixed use buildings. This private street extends east between Building B and the stacked townhouse blocks and extends north terminating at the underground parking parking ramp entrance on the east side of Building B (see Attachment 1: Site Plan).

The majority of parking for the development is provided in an underground two-level parking garage containing 370 parking spaces. Four surface visitor parking spaces are proposed behind Building A and on the south side of the private street.

Two loading spaces are proposed to serve the development via the private street. One Type G space is located internally to Building B and one Type B space is located behind Building A.

The three-storey, stacked townhouse units are proposed to be laid out in a U-shaped pattern in the southeast portion of the site. There are four proposed stacked townhouse blocks. All of the units are proposed to be either one or two-level, through units.

Unit Type	Number of Units	Number of Units (Stacked
	(Apartments)	Townhouses)
Bachelor	1	
One Bedroom	192	
Two Bedroom	99	19
Three Bedroom	3	38

The bedroom mix for the development is as follows:

Parkland dedication is provided through a 1,826 m<sup>2</sup> public park block on the northwestern portion of the site, fronting Sheppard Avenue East adjacent to Building A.

On April 2, 2015, the applicant filed an Official Plan Amendment application on the subject property to amend Official Plan Site and Area Specific Policy No. 373 on the subject property to provide for an increased building height of Building B from 11 to 14 storeys.

Attachments No. 1 and 2 include the site plan and elevations for this application. Additional project data is included in Attachment No. 8.

A City-initiated Official Plan Amendment Application 14 151903 ESC 40 OZ is also under review for the three properties on the south side of Sheppard Avenue East between Warden Avenue and Aragon Avenue, 3410 and 3459-3471 Sheppard Avenue East, along with the subject property. The City-initiated OPA proposes to delete the provision of a proposed public lane on the south side of Sheppard Avenue East between Warden Avenue and Aragon Avenue. Both the City-initiated OPA application and the subject Official Plan Amendment and Zoning By-law

Amendment application will be considered concurrently at this meeting of Scarborough Community Council.

A public lane is not proposed as part of this application and the draft zoning by-law proposes to delete Exception No. 50 (Attachment No. 6). If this Official Plan and Zoning By-law application and City-initiated Official Plan Amendment Application 14 151903 ESC 40 OZ are approved by City Council, then the dedication of a public lane on the subject property would not be required prior to development proceeding.

## Site and Surrounding Area

The subject property is situated on the south side of Sheppard Avenue East, between Warden and Aragon Avenues. It is approximately 1.24 hectares, with 140 metres of frontage on Sheppard Avenue East and a depth between 53 to 128 metres. The site is essentially an upside-down L-shape, with the wider frontage along Sheppard Avenue East and the narrow portion to the rear, or south end, of the site. It is generally flat, with a slight change in elevation down from west to east.

At present, the site is occupied by a Kia automotive dealership, consisting of a one-storey building on the front portion, surrounded by surface parking to the north and south. There are currently three vehicular accesses to Sheppard Avenue East across the existing sidewalk.

Surrounding uses include:

- North: on the north side of Sheppard Avenue East is another large, one-storey automotive dealership, with ancillary surface parking; to the northeast are two residential buildings of 12 and 20 storeys; to the northwest are one and two-storey commercial buildings, with surface parking fronting the street, as well as a four-storey office building, with a landscaped front courtyard; at the northeast corner of Sheppard Avenue East and Warden Avenue is a gas station;
- West: immediately west is a gas station at the southeast corner of Sheppard Avenue East and Warden Avenue; there is a one-storey retail plaza further west at the southwest corner of Sheppard Avenue East and Warden Avenue;
- South: immediately south of the subject property is a two-storey condominium townhouse development, which extends south of Cass Avenue to Scarden Park further south;
- East: abutting the site to the east is a two-storey retail/commercial plaza at the southwest corner of Sheppard Avenue East and Aragon Avenue, with ancillary parking fronting Sheppard Avenue East; to the east of the southern portion of the site is a stable, single-detached residential neighbourhood flanking Aragon Avenue.

#### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and

safety. The PPS recognizes that local context and character is important. Policies are outcomeoriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

#### **Official Plan**

Map 2 of the City's Official Plan identifies Sheppard Avenue East as an 'Avenue' within the City's large-scale Urban Structure. *Avenues* are important corridors along major streets where reurbanization can create new housing and jobs while improving the pedestrian environment. Policies for Avenues within Section 2.2.3 speak to the creation of Avenue Studies to guide growth and development on identified Avenues.

The subject property is designated *Mixed Use Areas* on Map 19, Land Use Plan, within the City's Official Plan. This designation supports a balance of commercial, residential, institutional and open space uses that meet the needs of local communities and provides criteria to direct the form and quality of development. Section 4.5 of the Plan contains policies for properties within this designation, which include:

- providing a transition between areas of different development intensity;
- locating and massing new buildings to frame the edges of streets and parks with good proportion;
- providing an attractive, comfortable and safe pedestrian environment; and
- providing good site access and circulation.

Built Form policies in Section 3.1.2 of the Official Plan state that new development will:

- be massed to fit harmoniously into their existing and/or planned context;
- frame and support adjacent streets and parks to improve the safety, pedestrian interest and casual views to these spaces from the development;
- locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces; and
- provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Official Plan contains Housing policies in Section 3.2.1, which support a full range of housing in terms of form, tenure and affordability across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Policies pertaining to the Public Realm in Section 3.1.1 state that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets.

Section 5.1.1 of the Official Plan contains provisions pertaining to public benefits in exchange for increased height and density for new development pursuant to Section 37 of the Planning Act. Section 37 may be used to secure community benefits, provided the proposal represents good planning and is recommended for approval. Policy 4 within Section 5.1.1 outlines a threshold of  $10,000m^2$  for developments that would trigger a Section 37 contribution.

Attachment No. 3 provides an excerpt of the Official Plan designation for the site and vicinity.

#### Sheppard/Warden Avenue Study

As a result of the Sheppard/Warden Avenue Study, the City adopted Official Plan Amendment No. 143, which placed the entire study area into Site and Area Specific Policy No. 373 (see Attachment No. 3). Mid-rise buildings are intended to be the predominant form of new development with similar development criteria established by the Plan. A mix of uses is encouraged, where appropriate; non-residential uses will be concentrated on the Sheppard Avenue East and Warden Avenue frontages; small-scale retail, office and community uses which are part of an integrated development will be located in close proximity to the Sheppard Avenue East and Warden Avenue intersection.

The study area is divided into different zones that help to clarify the built form parameters for specific parts of each property, with parts of some deep lots identified as "Tall Building Zone" and "Grade-related Residential Zone".

The front portion of the subject property is not in a specific zone, as it is meant to accomodate the predominant mid-rise form of development mentioned above. The rear portion of the subject property is in the "Grade-related Residential Zone", which requires that "grade-related residential development only will be permitted on lands adjacent to existing stable residential neighbourhoods."

In addition, SASP No. 373 Policy 3(b), discussing public and private streets and lanes, indicates that "as a condition of development approval, new public streets and public lanes that serve to divide the existing lands into smaller blocks, provide a framework for organizing new uses and provide connections to Sheppard Avenue East and Warden Avenues, will be secured and be required to be dedicated to the City." Across the subject property, a public lane is identified as being required on Map 2 of 2 of SASP No. 373 with a minimum right-of-way width of 8 m, within which a 2.0 m landscape buffer strip shall be provided (see Attachment No. 4).

Finally, the plan makes a brief mention of landscaping improvements that should be provided, stating that "publicly accessible private courtyards and walkway connections are encouraged to be provided as part of any new development to complement the public realm."

Official Plan Amendment No. 143 for the Sheppard/Warden Avenue Study can be found at: <u>http://www.toronto.ca/legdocs/bylaws/2012/law0128.pdf</u>

#### **Mid-Rise Building Guidelines**

Toronto City Council, in July 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications and directed staff to use the Performance Standards for Mid-Rise Buildings in reviewing all new and current mid-rise development proposals on the *Avenues* for a two year monitoring period.

The Avenues and Mid-rise Buildings Study identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed by the Study include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions and transition to *Neighbourhoods*. The Study can be found at: <a href="http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport.pdf">http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport.pdf</a>

## **Infill Townhouse Guidelines**

In 2003, City Council adopted Design Guidelines for the development of Infill Townhouses. The proposed 57-unit, three-storey, stacked-townhouse component of the development on the rear portion of the site has been evaluated based on conformity with these guidelines. While the guidelines are not specific to stacked townhouses, they do provide limited applicability to this type of townhouse design, as it contains sections on the organization of open spaces and yards, the relationship of buildings to grade and streetscape design including tree planting. The City's Urban Design Guidelines for Infill Townhouses can be found at:

http://www.toronto.ca/planning/urbdesign/pdf/townhouseguideline.pdf

## Zoning

The subject property is currently split-zoned with a Commercial-Residential Holding zone [CR(H)] on the front portion of the site and a Multi-Family Residential Holding zone [M(H)] on the rear portion (see Attachment No. 4). The zoning on the lands is the result of the City-initiated zoning amendment (By-law 130-2012) to the former City of Scarborough Tam O'Shanter Community Zoning By-law No. 12360 that implemented the Sheppard/Warden Avenue Study.

The CR Zone permits a wide range of commercial uses as well as residential uses while prohibiting uses related to vehicle service, sales and repair and grade-related residential uses. The M Zone only permits street townhouses. Both zones contain performance standards for gross floor area, height, stepbacks, angular planes and maximum and minimum parking standards, among others.

Exception No. 50 that applies to both the CR and M Zone on the entire subject property states that permitted uses prior to the removal of the Holding Provision shall be restricted to all uses permitted in the Highway Commerical (HC) Zone, save and except automobile service stations, car washes and public garages. The holding provision can only be lifted when:

Council is satisfied that land dedicated to the City for the design, construction and financing of new public street(s) [including lanes] has been satisfactorily reviewed by the Chief Planner and Executive Director in consultation with the Executive Director of

Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

As a result, any redevelopment of the site for non-Highway Commercial type uses requires a zoning by-law amendment to lift the holding provision.

The site is not part of the new City of Toronto Zoning By-law No. 569-2013 enacted by City Council on May 9, 2013.

## Site Plan Control

The proposed development is subject to site plan control. A site plan control application has been filed and is under review.

#### **Sheppard LRT**

The Sheppard East Light Rail Transit (LRT) line is one of the projects funded under the Master Agreement signed between the City, TTC and Metrolinx. It is proposed to extend from Don Mills Station to Morningside Avenue. Metrolinx is in the process of advancing the design of the facility with a target start of service date in December 2021. Once completed, the Sheppard LRT will provide an enhanced level of public transit along the Sheppard corridor. An LRT stop is proposed in proximity to the Warden Avenue and Sheppard Avenue East intersection.

#### **Reasons for the Application**

Official Plan Amendment

The height of Building B, at 14 storeys exceeds the maximum height for the parcel provided for in Site and Area Specfic Policy No. 373, which provides that mid-rise buildings will be the predominant form of new development. The Sheppard/Warden Avenue Study identifies a mid-rise building as a building with heights up to 11 storeys.

Zoning By-law Amendment

The proposed density of the two buildings in the CR Zone, at 3.9 times the area of the lot or 4.0 times the area of the lot (excluding the proposed public park), exceeds that permitted under the CR Zone, which is 2.5 times the area of the lot. The height of Building B, at 48.1 metres (14 storeys), exceeds that permitted under the existing CR Zone, which permits a maximum building height of 11 storeys or 36 metres.

Stacked townhouses are proposed within the M Zone, whereas only street townhouses are the only permitted use under the existing M Zone. The proposed density of the four townhouse blocks in the M Zone, at 1.2 times the area of the lot, exceeds that permitted under the M Zone, which is 1.0 times the area of the lot.

Exception No. 50 that applies to both the CR and M Zones requires that any redevelopment of the site for non-Highway Commercial type uses requires a zoning by-law amendment to lift the holding provision to review and secure the dedication of the required public lane, whereas no public lane is proposed as part of this development.

The zoning by-law amendment also allows for appropriate performance standards to be established.

## **Community Consultation**

Two community consultation meetings were held on this application. The first community consultation meeting was held on October 23, 2013 on the original proposal and was attended by the Deputy Mayor, the applicant and his architect, City Planning staff and approximately 15 members of the public. The original proposal was for two mid-rise buildings of 10 and 11 storeys, containing 329 units, fronting onto Sheppard Avenue East with retail on the ground floor, and four blocks of stacked townhouses with 42 units on the rear of the site.

Issues discussed related to shadow impacts and sky views, heights, overlook and rear yard setback of the proposed stacked townhouses, residential unit types, servicing, basement flooding and the location of the public park.

The second community consultation meeting was held on May 20, 2014 on a revised proposal, which was similar to the current proposal. This meeting was attended by the Deputy Mayor and his Executive Assistant, the applicant and his traffic consultant, City Planning staff and approximately 12 members of the public. Issues discussed related to unit sizes, traffic, adequate parking supply, height and density, building stepbacks, servicing, basement flooding, widening of Sheppard Avenue East, sky views and capacity of local schools. These issues are discussed later in this report.

## **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

#### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS. Among other matters, the proposal will provide for an efficient development pattern and use of land, add to the City's supply and diversity of housing, utilize public infrastructure and services and promote the use of public transit (both current and approved but unbuilt).

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing an appropriate type and scale of development within an intensification corridor. The proposal is also transit supportive and achieves the required transition of built form to adjacent low-rise uses.

#### **Design Review Panel**

The application was presented to the City's Design Review Panel (DRP) on two occasions -October 16, 2013 and May 12, 2014. At the first hearing, the original proposal was evaluated. The Panel voted unanimously for a redesign of the proposal. The following comments were provided:

- The proposed public lane requirement disrupts direct park access from Sheppard Avenue East;
- Relocate the land-locked public park within the private development to provide a more visible and clearly accessible and active open space fronting Sheppard Avenue East;
- Pursue an alternative layout in conjunction with alternative massing, introduce entrances to the east and west sides of the site to provide a complete internal circulation pattern; and
- Introduce more stepbacks and provide greater separation between the two buildings to reduce the canyon effect.

The minutes for the first DRP hearing can be found at:

http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/D RP/DRP%20Minutes%20Oct%2016.pdf

At the second hearing, a revised proposal, which was similar to the current proposal was evaluated. The Panel appreciated the efforts made by the applicant to develop their design since the previous review. However, the Panel identified concerns about the revised proposal that needed to be addressed and voted unanimously for a redesign of the proposal. The following comments were provided:

- Concerns with the back-to-back townhouse condition on the interior of the site, including the lack of visibility through to the rear of the site
- Provide private outdoor amenity space for all townhouses;
- Develop open space connectivity with the townhouses inside the site;
- Relocate the park between the two buildings fronting Sheppard Avenue East to help animate the park and improve views to the rear townhouses, although it was acknowledged there may be issues with the park being located on top of the underground parking structure;
- Reintroduce the mid-block laneway strategy to improve site circulation;
- Rethink the proposed townhouse entries strategy to achieve a safe, accessible pedestrian realm, and strong relationship with the relocated park; and
- Create a high quality landscape strategy for the overall site.

The minutes for the second DRP hearing can be found at:

http://www1.toronto.ca/City%20Of%20Toronto/Transportation%20Services/Walking/Files/pdf/ Design%20Review%20Panel%20-%20Summary.pdf

The majority of the above-noted issues identified by the Design Review Panel were also shared by City Planning Division staff. The applicant incorporated the following revisions into their current proposal to address these issues:

- Although the location of the public park remains unchanged, the massing of the west elevation of Building A facing the park has been improved to frame and support the proposed public park to the west through the additional stepbacks at the 4<sup>th</sup> and 7<sup>th</sup> storeys to maintain skyviews and sunlight access to the public park;

- Stacked townhouses have be revised from "back to back" units to "through" units with all front entrances fronting onto a central private courtyard to provide appropriate built form relationships between all proposed townhouse blocks and the adjacent existing low-rise residential neighbourhoods, and to provide improved visibility to the stacked townhouses in the rear of the site from Sheppard Avenue East;
- A contiguous common rear yard amenity area has been provided for all stacked townhouse blocks which will form part of a comprehensive integrated landscape strategy for the overall development, that will include pedestrian circulation;
- A realigned north-south private street to provide improved visibility to the stacked townhouses in the rear of the site from Sheppard Avenue East; and
- A reduced amount of surface parking to only 4 spaces, relocated to the interior of the site.

Staff will continue to work with the applicant to address the comments of the Panel and these matters will be secured through the site plan approval process.

#### Land Use

This proposal for two mixed use buildings along Sheppard Avenue East implements the policies in the Official Plan and Sheppard-Warden Site and Area Specific Policy No. 373 by combining residential uses with at-grade commercial uses fronting Sheppard Avenue East in the *Mixed Use Areas*. The proposed intensification of the site, along an identified "Avenues", is appropriate and the proposal addresses the development criteria in the Official Plan related to built form and use, parking and amenity space, among other matters, as discussed further in this report.

The proposed stacked townhouse uses in the rear of the site are also provided for in both the *Mixed Use Areas* designation and in the Grade-Related Residential Zone" of SASP No. 373 of the Official Plan. The four blocks of stacked townhouses provide an appropriate transition to the existing stable residential neighbourhoods to the south, east and west and are compatible with the Council-approved Infill Townhouse Guidelines, as discussed further in this report. On this basis, the zoning by-law amendment to permit stacked townhouses in the M Zone is appropriate.

#### **Site Organization**

The subject property is a partially deep parcel with a unique configuration. The proposed development is organized around three key elements:

- Sheppard Avenue East;
- a proposed Public Park; and
- a proposed north-south private street with trees and sidewalks leading to the interior of the site.

The 10 and 14 storey mixed use Buildings A and B with ground floor commercial uses are sited parallel to Sheppard Avenue East with a 4.5 metres setback to frame and animate the public realm with a strong street edge along Sheppard Avenue East. Building A is located parallel to the proposed public park to the west and is designed and massed to frame and support the park.

A 15-metre wide private north-south street is proposed between Buildings A and B from Sheppard Avenue East into the interior of the site, with a landscaped amenity area at the southern terminus of the private street. The private street and landscaped amenity area will allow for trees and sidewalks and will improve the connectivity and visibility of the stacked townhouse blocks from Sheppard Avenue East.

Pedestrian walkways are proposed throughout the site to connect Sheppard Avenue East, the proposed public park and all of the buildings throughout the site. A comprehensive integrated landscape strategy for the overall development, including pedestrian circulation will be further addressed through the site plan process and the detailed design of the public park.

## **Height and Massing**

#### Building A

Building A, fronting Sheppard Avenue on the northwestern portion of the site is consistent with the Mid-Rise Building Performance Standards and implements the Built Form policies of SASP No. 373 as recommended by the Sheppard/Warden Avenue Study, including but not limited to:

- a proposed building height of 10 storeys (31.5 metres), which is less than the planned 36metre right-of-way width of Sheppard Avenue East;
- the building is located under the required 45 degree front angular plan applied at a building height equivalent to 80% of the width of the Sheppard Avenue East right-of-way (28.8 metres), allowing for minimum of 5-hours of sunlight access on the opposite sidewalk during the spring and fall equinoxes;
- a 1.5 metre stepback at the 7<sup>th</sup> storey on the Sheppard Avenue East elevation to provide an appropriate street wall height in proportion with the right-of-way;
- a rear yard setback of 13.3 metres to the property line of the existing abutting townhouse development to the south with an increased setback of 24 metres starting at the 5<sup>th</sup> storey with further stepbacks between the 7<sup>th</sup> and 10<sup>th</sup> storeys.
- Save and except a minor projection of the rooftop mechanical penthouse, the building is located under the 45-degree rear angular plane. Since the building is located on the south side of Sheppard Avenue and will not have shadow impact on the existing residential properties to the south, the minor projection into the angular plane is considered acceptable by staff;
- screening (fence and trees) within the rear yard setback adjacent to the existing townhouses to the south;
- a sideyard setback of 3.8 metres to the proposed public park to the west and is setback an additional 1.5 metres at the 4<sup>th</sup> and 7<sup>th</sup> storeys, respectively, appropriately framing the proposed public park;
- no projecting balconies facing the proposed public park and the existing townhouses to the south, limiting overlook; and
- no projecting balconies on the first six storeys facing Sheppard Avenue East; and
- a 4.5 metre ground floor height to provide for at-grade commercial uses along the Sheppard Avenue East frontage.

#### Building B

Building B, fronting Sheppard Avenue on the northeastern portion of the site has a proposed height of 48.1 metres (14 storeys) and is designed similarly to Building A in terms of stepbacks, ground floor height and balconies. It is consistent with the Mid-Rise Building Performance

Standards and implements the Built Form policies of SASP No. 373, as recommended by Sheppard/Warden Avenue Study, including but not limited to:

- the building is located under the required 45 degree front angular plan applied at a building height equivalent to 80% of the width of the Sheppard Avenue East right-of-way (28.8 metres), allowing for minimum of 5-hours of sunlight access on the opposite sidewalk during the spring and fall equinoxes;
- the building provides an acceptable building separation and transition to both new and existing townhouses to the south. A rear yard setback of 88 metres is proposed to the property line of the existing abutting townhouses to the south with an increased setback of 100 metres starting at the 7<sup>th</sup> storey. In addition, a separation distance of 15.1 metres is proposed to the closest proposed stacked townhouse block (Block 1) to the south with an increased setback of 26.5 metres starting at the 7<sup>th</sup> storey.
- an east sideyard setback of 5.9 metres starting at the 7<sup>th</sup> storey, which exceeds the minimum 5.5 metre setback required in both the Mid-Rise Guidelines and the existing zoning by-law, which implements the Sheppard/Warden Avenue Study; and
- no projecting balconies on the first six storeys facing the proposed stacked townhouses to the south and the existing townhouses further south, limiting overlook.

In addition, a 15-metre separation distance is proposed between Buildings A and B (no facing principal windows) with buildings incorporating either a 1.5-metre or 2 metre stepback at the 7<sup>th</sup> storey, which provides a separation distance of 18.5 metres starting at the 7<sup>th</sup> storey of these buildings. This will facilitate a private street with sidewalks and trees and will be massed to provide a pedestrian-friendly scale.

The proposed 14 storey building height exceeds the maximum building height of 11 storeys recommended by the Mid-Rise Building Guidelines and the Sheppard/Warden Avenue Study. Since the building is located under the front angular plane, the shadow impact on the sidewalk on the north side of Sheppard Avenue East will be the same as an 11 storey building. The building is located on a deep lot with limited visual and shadow impact on the surrounding neighbourhood properties. Based on all of these considerations, the official plan amendment and zoning by-law amendment to permit a maximum 14-storey height for Building B is acceptable.

#### Stacked Townhouse Blocks 1 to 4

The 57-unit, three-storey stacked-townhouse component of the development is located within the rear portion of the site. The stacked townhouses conform with the majority of applicable Infill Townhouse Guidelines and implement the Built Form policies of SASP No. 373, including but not limited to:

- all buildings are located under the 45-degree rear angular plane applied to the nearest property line of adjacent low-rise residential neighbourhoods to the east, west and south;
- a minimum rear yard setback of 7.5 metres is provided to the property lines of these adjacent low-rise residential neighbourhoods;
- a minimum 18.7-metre facing distance is provided between Blocks 1 and 4 to provide adequate light, views and privacy, improve connectivity and visibility to the rear portion of the site from Sheppard Avenue East. A private central courtyard with an integrated

fire route for all of the stacked townhouse blocks is provided and will be designed with collapsible bollards, decorative paving and landscaping;

- the width and alignment of the private north-south street between Buildings A and B, along with the private common amenity space at the southern terminus of this street and the private courtyard between the stacked townhouse blocks provides improved visibility to the stacked townhouses in the rear of the site from Sheppard Avenue East;
- The front elevations of all stacked townhouse units face the private courtyard to frame and animate this space;
- a minimum 11-metre separation distance between the front elevation of Bocks 2 and 3 and the side elevation of Blocks 1 and 4 to provide adequate light, views and privacy; and
- no projecting balconies facing the existing low-rise residential neighbourhoods, along with screening (fencing and trees) along all property lines to limit overlook and provide privacy.

Based on the above, the height and massing for the overall development comprising both the mixed use buildings and stacked townhouse blocks is acceptable. Matters such as the design of the private street and courtyard/fire route, maximum number of steps leading to front building entrances of the stacked townhouses, design of balconies and terraces, façade articulation, building and landscape design and exterior building materials will be further addressed through the site plan approval process.

## Density

A total of 352 residential condominium units are proposed at a total net gross floor area of  $30,644 \text{ m}^2$ , which equates to a density of 2.8 times the lot area (excluding the proposed public park). The applicant has addressed staff's concerns with site organization, height, massing and transition to the abutting lower scale *Neighbourhood* as discussed previously, as well as the location of the proposed public park, transportation and servicing, as discussed further in this report. Accordingly, the proposed density is acceptable.

#### Sun, Shadow, Wind

The applicant's architect prepared a shadow analysis of the proposal and found that the shadowing of the project on nearby properties would be limited and that no building or site will have continuous or prolonged shadow.

Buildings A and B are located under the required 45 degree front angular plan applied at a building height equivalent to 80% of the width of the Sheppard Avenue East right-of-way (28.8 metres), allowing for a minimum of 5-hours of sunlight access on the opposite sidewalk during the spring and fall equinoxes. Building A casts limited shadow on the northeast corner of the proposed public park on the spring and fall equinoxes for about 2 hours in the early morning between 9:18 a.m. and 11:18 a.m. On the spring and fall equinoxes, the stacked townhouse blocks cast limited shadow on the rear portions of the three rear yards of the detached dwellings to the east, for three hours during the mid to late afternoon. The shadow study has been reviewed by City staff and its findings are acceptable.

A pedestrian level wind study was submitted based on the original proposal. Based on concerns raised by City Planning staff, a pedestrian wind comfort assessment was subsequently submitted for the current proposal which concludes that the two mixed use buildings stepped facades and

recessed entrances on Sheppard Avenue East will contribute to pedestrian comfort conditions suitable to the context. The proposed landscaping of vegetation, trellises and parapets is also favourable toward reducing wind activity at grade level, particularly in the proposed public park, the walkway between the public park and Building A and the outdoor amenity areas. Further mitigation of wind conditions is recommended through the planting of coniferous shrubs or trees at the southwest corner of Building A to improve wind conditions near the corner of the public park.

A report on pedestrian level wind conditions based on computer desktop analysis of the current proposal, along with the above-noted mitigation measures will be required through the site plan approval process.

#### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 - 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

Parkland dedication is based on a site area of 1.2438 hectares  $(12,438m^2)$ . At the alternative rate of 0.4 hectares per 300 units, specified in By-law 1020-2010, the residential component will generate a parkland requirement of  $0.4953ha (4,953m^2)$  or 40% of the net site area). Therefore a cap of 15% will apply resulting in the residential parkland dedication of 0.1819ha  $(1,819m^2)$  while the non-residential component will generate a parkland requirement of 0.000616 ha  $(6.2m^2)$ . In total, the parkland dedication requirement will be  $0.1826ha (1,826m^2)$ .

The applicant is proposing an on-site park dedication of 0.1321ha  $(1,321m^2)$ . Based on the required parkland dedication of 0.1826 hectares  $(1,826m^2)$ , the applicant has a parkland dedication shortfall of 0.0505ha  $(505m^2)$ . The applicant is required to satisfy the shortfall of parkland dedication through a cash-in-lieu payment.

To address the parkland dedication requirement, a public park is proposed on the northwestern portion of the site, fronting Sheppard Avenue East adjacent to Building A. It will have 25 metres of frontage on Sheppard Avenue East and a depth of 53 metres.

Although no local parks were proposed fronting Sheppard Avenue East in the urban design concept plan of the consultant's final report for the Sheppard/Warden Avenue Study, it was suggested that a local park with adequate public street frontage could be provided in the northwest quadrant of the study area. The report identified a small parkette at the rear portion of the subject property fronting a lane (see Attachment No. 7).

The proposed public park location, as currently proposed, implements the vision and intent of the Sheppard/Warden Avenue Study by providing a public park with street frontage at a location for access by the public with high visibility along Sheppard Avenue East. The interface between the park and the west side yard of Building A, including a coordinated landscape design to support and animate the park will be addressed through the site plan process and the detailed design of the park.

The applicant has agreed to design and construct Above Base Park Improvements to the proposed public park if City Council approves a development charge credit against the Parks & Recreation component of development charges. Accordingly, it is recommended that City Council authorize this development charge credit.

#### Traffic Impact, Access, Parking

The applicant has submitted a Traffic Impact Study, which indicates that the existing road network can accommodate the expected vehicular traffic generated by the proposed development.

Vehicular access to the site is proposed via a mid-block private street connection to Sheppard Avenue East between the two mixed use buildings. This private street extends east between Building B and the stacked townhouse blocks and extends north terminating at the underground parking ramp entrance on the east side of Building B.

The private street will have full moves access. Construction of the Sheppard East LRT will result in vehicle turn movements being restricted to right in/right-out only when LRT construction begins. Warning clauses will be included in all offers and agreements of purchase and sale advising of the potential future access restrictions to Sheppard Avenue East. These matters will be secured in the site plan agreement.

With the exception of 4 visitor parking spaces, parking for the development is provided in an underground two-level parking garage containing 370 parking spaces. The existing CR zone establishes a minimum and maximum vehicle parking rate for residential uses and visitors based on the number of bedrooms per dwelling unit. Since this site is located on an *Avenue* as well as a proposed nearby LRT stop, the proposed parking supply has been reduced to the minimum parking rates in the zoning by-law, as recommended by City Planning staff. The proposed vehicular parking supply is in keeping with these rates.

A total of 303 bike parking spaces are proposed. The existing CR Zone establishes minimum bike parking rates for residential and commercial uses based on dwelling unit and gross floor area, respectively. The proposed bike parking for both the CR and M Zone is in keeping with these rates.

Two loading spaces are proposed to serve the development via the private street. One Type G space is located internally to Building B and one Type B space is located behind Building A.

Transportation Services staff concur with the findings of the Traffic Impact Study, including the proposed parking supply.

Transportation Services recommends that the Owner be responsible for any and all costs associated with signal timing optimization including but not limited to hardware modifications, if required, for the future background and total traffic conditions during peak hours at the intersection of Warden Avenue and Sheppard Avenue East. This will be secured in the Section 37 Agreement as a legal convenience. A public lane, as required by SASP No. 373 is not proposed as part of this application. Should this application and City-initiated Official Plan Amendment Application 14 151903 ESC 40 OZ be approved by City Council, then the dedication of a public lane on the subject property would not be required prior to development proceeding.

As noted in the Final Report for the City-initiated OPA application, City Planning staff are satisfied that the public lane is not required to service this proposal and its removal will provide for the orderly development of the three properties within the block and will facilitate a public park location with frontage on Sheppard Avenue that is consistent with the policy framework of the Sheppard/Warden Avenue Study and implements the intent of SASP No. 373 and the Built Form and Public Realm policies of the Official Plan. It is recommended that approval of the subject applications be conditional upon the approval of City-initiated Official Plan Amendment Application 14 151903 ESC 40 OZ and the adoption of the associated City-initiated Official Plan Amendment.

#### Servicing

The applicant has confirmed that the development will be registered as a single condominium. The applicant has provided a Site Servicing Plan which indicates that the sanitary and storm discharges from the entire development will be serviced by one storm and one sanitary pipe, which connects to the City sewer. The applicant has provided Functional Servicing and Stormwater Management Reports which conclude there are no servicing issues with respect to the proposed development. These findings have been accepted by Engineering and Construction Services Division staff.

#### Streetscape

The development will create a strong street edge on Sheppard Avenue East with a proposed building setback of 4.5 metres with a midblock connection, as provided for in SASP No. 373 of the Official Plan to increase permeability and break up a large development block. This setback is consistent with the Sheppard/Warden Avenue Study and the existing zoning by-law, which requires a minimum 3-metre and a maximum 5-metre setback. All of the individual entrances of retail units within Buildings A and B will be directly accessible from the Sheppard Avenue East boulevard with recessed entrances on Sheppard Avenue East. Additional weather protection along the Sheppard Avenue East elevations of Buildings A and B will be secured through the site plan process. The main residential entrances of Buildings A and B have been relocated on either side of the north-south private street to be more visible from Sheppard Avenue East.

The frontage on Sheppard Avenue East is also proposed to be designed with street trees abutting the sidewalk. Within the front yard setback, landscaping is proposed within a series of curb planters, along with benches, decorative paving and bike rings.

Metrolinx advises that the boulevard width along the Sheppard Avenue East frontage will be reduced to accommodate road widening for the LRT, resulting in the southern curb of Sheppard Avenue East being relocated further south, which impacts the proposed streetscaping. The design and construction of the streetscape will be coordinated with the detailed boulevard design related to the Sheppard East LRT.

All of these matters will be addressed through the site plan approval process.

#### **Residential Amenity Space**

Approximately 252 square metres of common indoor amenity space is proposed on the ground floor of Building A. This space is comprised of two separate areas, both of which lead to a 472 square metre common outdoor amenity area at the rear of Building A.

Approximately 414 square metres of common indoor amenity space is proposed on the ground floor of Building B. This space is also comprised of two separate areas, both of which lead to a separate 358 square metre common outdoor amenity area at the rear of Building B.

The existing CR Zone establishes minimum amenity space rates of 4 square metres for each dwelling unit with a minimum of 2 square metres for each dwelling unit being indoor amenity space. The proposed indoor and outdoor amenity space for Buildings A and B complies with these rates.

## Schools

Toronto District School Board advises that there is sufficient space at the local schools to accommodate students from this proposed development.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The Commercial-Residential (CR) Zone already secures Toronto Green Standard mid to highrise residential performance measures and/or development features related to the following:

- Automobile Infrastructure: minimum and maximum parking rates for dwelling units are established and required parking rates were determined based upon the level of transit existing/planned transit on Sheppard Avenue; and
- Cycling Infrastructure: Bicycle parking rates and parking space dimensions, locational and storage requirements have been established.

Other applicable TGS performance measures will be secured through the site plan approval process. These include pedestrian infrastructure (walkways, sidewalks, lighting), landscaping and tree planting, stormwater management and retention, glass treatments to minimize bird collisions, and collection of recycling and organic waste.

The development is subject to the Green Roof By-law. A green roof is proposed on top of the mechanical penthouse and 10<sup>th</sup> floor of Building A and on top of the mechanical penthouse and 14<sup>th</sup> floor of Building B. Based upon the size of the building, 60% of the available roof space is required to be covered by a green roof. The Green Roof By-law is administered by Toronto Building.

#### Section 37

In return for the increase in height and density beyond that permitted in the Zoning By-law, Section 37 community benefits have been negotiated with the applicant in consultation with the Ward Councillor. The community benefits recommended to be secured in the Section 37 Agreement is a cash payment of \$600,000 to be used towards the capital construction costs of the proposed Bridlewood YMCA Community Hub. This contribution is required to be indexed and is payable prior to the issuance of the first above-grade building permit.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- 1. the owner shall construct the park block to Above Base Condition, as approved by the General Manager of Parks, Forestry and Recreation;
- 2. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.
- 3. The Owner shall be responsible for any and all costs associated with signal timing optimization including but not limited to hardware modifications, if required, for the future background and total traffic conditions during peak hours at the intersection of Warden Avenue and Sheppard Avenue East.
- 4. Before introducing the Zoning Bill to City Council for enactment, it is recommended that the owner be required to execute the agreement and provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.

#### CONTACT

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#### SIGNATURE

Joe Nanos, Acting Director Community Planning, Scarborough District

## ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Official Plan

Attachment 4: Official Plan Site and Area Specific Policy No. 373

Attachment 5: Zoning

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment

Attachment 8: Sheppard/Warden Avenue Study - Urban Design Concept Plan

Attachment 9: Application Data Sheet

Attachment 1: Site Plan



# Site Plan

# 3445 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 7/17/15

File #13 180572 ESC 40 OZ





**Attachment 2: Elevations** 





**Attachment 2: Elevations** 







Attachment 3: Official Plan



Attachment 4: Official Plan Site and Area Specific Policy No. 373 (Map 1 of 2)



Attachment 4: Official Plan Site and Area Specific Policy No. 373 (Map 2 of 2)



Attachment 5: Zoning By-law

Not to Scale Extracted 4/13/2015

#### **Attachment 5: Draft Official Plan Amendment**

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

#### **CITY OF TORONTO**

Bill No. ~

#### BY-LAW No. ~-20~

#### To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known publicly in the year 2014, as 3445 Sheppard Avenue East

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 311 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY, Mayor ULLI S. WATKISS, City Clerk

(Corporate Seal)

#### AMENDMENT NO. 311 TO THE OFFICIAL PLAN

#### LANDS PUBLICLY KNOWN IN THE YEAR 2014 AS 3445 SHEPPARD AVENUE EAST

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by amending Site and Area Specific Policy No. 373 Subsection (a) for the lands known publicly in 2014 as 3445 Sheppard Avenue East, by adding the following subsection:

iii) Notwithstanding Subsection (a) i), one 14 storey residential building with ground floor commercial uses providing an appropriate transition in height, density and scale to lower-scale building elements is permitted.

#### Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~ Enacted by Council: ~, 20~

**CITY OF TORONTO** 

Bill No. ~

#### BY-LAW No. ~-20~

#### To amend the former City of Scarborough Zoning By-law No. 12360 (Tam O'Shanter Community), as amended, With respect to the lands publicly known as, 3445 Sheppard Ave East

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the publicity may require the owner to enter into one or more agreements with the publicity dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 12360 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. SCHEDULE 'A' of the Tam O'Shanter Community Zoning By-law No. 12360, as amended, is further amended by deleting the current zoning, including removing the holding provision, for the lands known as 3445 Sheppard Avenue East and replacing it

with the following provisions as shown on Schedule '1' attached hereto and forming part of this By-law:

 $\begin{array}{l} CR-210-230-231-232-233-234-235-236-319-320-321-431-432-454\\-455-475-476-502-503-508-509-510-512-513-514 \end{array}$ 

 $\begin{array}{l}M-234-235-237-238-239-240-241-242-243-244-245-319-320-321-428-455-475-476-513\end{array}$ 

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2. SCHEDULE 'B', PERFORMANCE STANDARD CHART, is amended by adding the following performance standards:

#### **BUILDING SETBACKS**

- 210. A building shall not penetrate a 45-degree **angular plane** at a **height** along a lot line that abuts a **street** and is not a **rear lot line**, equal to 80% of the width of the **street** right-of-way on which the lot has frontage.
- 230. For the building located closest to the west property line, building **setbacks** shall be provided as follows:
  - (a) Minimum building **setback** of 4.5 metres from the Sheppard Avenue East **street** line to the first through sixth **storeys** above grade.
  - (b) Minimum building setback of 6.5 metres from the Sheppard Avenue East street line to the seventh through tenth storeys above grade. Balconies may project a maximum of 2.0 metres into this setback and shall not be considered part of the main wall. A seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the main wall.
  - (c) Minimum building setback of 3.6 metres from the abutting "**P**" Zone to the first through third **storeys** above grade.
  - (d) Minimum building setback of 5.1 metres from the abutting "P" Zone to the fourth through sixth storeys above grade. A fourth floor terrace may project a maximum of 1.5 metres and shall not be considered part of the main wall.
  - (e) Minimum building setback of 6.6 metres from the abutting "P" Zone to the seventh through tenth storeys above grade. A seventh floor terrace may project a maximum of 1.5 metres and shall not be considered part of the main wall.
  - (f) Minimum building **setback** of 13.3 metres from the closest south property line to the first through fourth **storeys** above grade.
  - (g) Minimum building setback of 24.0 metres from the closest south property line

to the fifth through seventh **storeys** above grade. A fifth floor terrace may project a maximum of 2.8 metres and shall not be considered part of the **main wall**.

- (h) Minimum building setback of 26.7 metres from the closest south property line to the eighth storey above grade. A eighth floor terrace may project a maximum of 2.8 metres and shall not be considered part of the main wall.
- (i) Minimum building setback of 28.2 metres from the closest south property line to the ninth storey above grade. A ninth floor terrace may project a maximum of 1.5 metres and shall not be considered part of the main wall.
- (j) Minimum building **setback** of 31.4 metres from the closest south property line to the tenth **storey** above grade. A tenth floor terrace may project a maximum of 3.0 metres and shall not be considered part of the **main wall**.
- 231. The minimum building separation distances between the **main wall** of the building closest to the west property line and the **main wall** of the building closest to the east property line shall be as follows:
  - (a) A minimum of 15 metres to the first through sixth **storeys** above grade.
  - (b) A minimum of 17.0 metres to the seventh storey above grade and higher. On the building closest to the west property line, a seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the main wall.
- 232. For the building located closest to the east property line, building **setbacks** shall be provided as follows:
  - (a) Minimum building **setback** of 4.5 metres from the Sheppard Avenue East **street** line to the first through sixth **storeys** above grade.
  - (b) Minimum building setback of 6.5 metres from the Sheppard Avenue East street line to the seventh through eleventh storeys above grade. Balconies may project a maximum of 2.0 metres into this setback and shall not be considered part of the main wall. A seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the main wall.
  - (c) Minimum building setback of 9.2 metres from the Sheppard Avenue East street line to the twelfth storey above grade. A twelfth floor terrace may project a maximum of 2.7 metres and shall not be considered part of the main wall.
  - (d) Minimum building setback of 12.2 metres from the Sheppard Avenue East street line to the thirteenth storey above grade. A thirteenth floor terrace may project a maximum of 3.0 metres and shall not be considered part of the main wall.
- (e) Minimum building **setback** of 15.3 metres from the Sheppard Avenue East **street** line to the fourteenth **storey** above grade. A fourteenth floor terrace may project a maximum of 3.0 metres and shall not be considered part of the **main wall**.
- (f) Minimum building **setback** of 0.0 metres from the east property line to the first through sixth **storeys** above grade.
- (g) Minimum building setback of 5.9 metres from the east property line to the seventh storey above grade and higher. A seventh floor terrace may project a maximum of 3.0 metres and shall not be considered part of the main wall. Balconies on the eighth through eleventh storeys above grade may project a maximum of 2.0 metres into this setback and shall not be considered part of the main wall.
- (h) Minimum building setback of 13.2 metres from the abutting "**M**" Zone to the first through sixth **storeys** above grade.
- (i) Minimum building setback of 25.4 metres from the abutting "M" Zone to the seventh storey above grade and higher. A seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the main wall. Balconies may project a maximum of 1.5 metres and shall not be considered part of the main wall.
- 233. For that portion of buildings above six storeys, buildings shall be setback at a minimum an additional 1.5 m from that portion of the building closest to all **street** lines.

For the purposes of this Performance Standard, the wall below six storeys, shall be no less than 75% in length of all buildings, of the overall length of the walls facing all **street** lines.

- 234. The minimum building separation distances between the northerly building closest to east property line in the "**M**" Zone and the building closest to the east property line in the "**CR**" Zone shall be as follows:
  - (a) A minimum of 15.1 metres from the north main wall of the northerly building closest to east property line in the "M" Zone and the first through sixth storeys above grade of the south main wall of the building closest to the east property line in the "CR" Zone such that a line projected at a right angle from of these main walls intercepts the other main wall.
  - (b) A minimum of 27.3 metres from the north main wall of the northerly building closest to east property line in the "M" Zone and the seventh storey above grade and higher of the south main wall of the building closest to the east property line in the "CR" Zone such that a line projected at a right angle from of these main walls intercepts the other main wall. On the building in the

"CR" Zone closest to the east property line, a seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the **main** wall. Balconies may project a maximum of 1.5 metres and shall not be considered part of the **main wall**.

- 235. The minimum building separation distance between the northerly building closest to the west property line in the "**M**" Zone and the building closest to the east property line in the "**CR**" Zone shall be as follows:
  - (a) A minimum of 36.8 metres from the north main wall of the northerly building closest to the west property line in the "M" Zone and the south main wall of the building closest to the east property line in the "CR" Zone such that a line projected at a right angle from of these main walls intercepts the other main wall.
- 236. For the building located closest to the west property line, a rooftop mechanical penthouse shall be provided as follows:
  - (a) a maximum area of 163 square metres
  - (b) a maximum height of 5.5 metres above the roof of the uppermost floor
  - (c) a setback from the main wall of the uppermost floor closest to the Sheppard Avenue East street line shall be a maximum of 3.9 metres.
  - (d) a setback from the main wall of the uppermost floor closest to the west lot line shall be a maximum of 7.2 metres.
  - (e) a setback from the main wall of the uppermost floor closest to the south lot line shall be a maximum of 1.6 metres.
  - (f) a setback from the main wall of the uppermost floor closest to the east lot line shall be a maximum of 14.4 metres.
- 237. Buildings shall not exceed a 45-degree angular plane from the lot-line of abutting "S" and "M" Zones.
- 238. For the northerly building located closest to the west property line, building **setbacks** shall be provided as follows:
  - (a) Minimum building **setback** of 7.5 metres from the west property line to the **basement**.
  - (b) Minimum building **setback** of 9.0 metres from the west property line to the first through the second **storeys** above grade.
  - (c) Minimum building **setback** of 11.2 metres from the west property line to the third **storey** above grade.

(d) Minimum building setback of 12.8 metres from the abutting "CR" Zone.

- 239. The minimum building separation distance between the **main wall** of the northerly building closest to the west property line and the **main wall** of the southerly building closest to the west property line shall be 11 metres.
- 240. The minimum building separation distance between the **main wall** of the northerly building closest to the west property line and the **main wall** of the northern building closest to the east property line shall be 18.7 metres.
- 241. For the southerly building located closest to the west property line, building **setbacks** shall be provided as follows:
  - (a) Minimum building **setback** of 7.5 metres from the south property line to the **basement**.
  - (b) Minimum building **setback** of 8.4 metres from the south property line to the first through the second **storeys** above grade.
  - (c) Minimum building **setback** of 10.6 metres from the south property line to the third **storey** above grade.
- 242. The minimum building separation distance between the **main wall** of the southerly building closest to the west property line and the **main wall** of the southerly building closest to the east property line shall be 1.8 metres.
- 243. For the southerly building located closest to the east property line, building **setbacks** shall be provided as follows:
  - (a) Minimum building **setback** of 7.5 metres from the south property line to the **basement**.
  - (b) Minimum building **setback** of 8.4 metres from the south property line to the first through the second **storeys** above grade.
  - (c) Minimum building **setback** of 10.6 metres from the south property line to the third **storey** above grade.
- 244. The minimum building separation distance between the **main wall** of the southerly building closest to the east property line and the **main wall** of the northerly building closest to the east property line shall be 11 metres.
- 245. For the northerly building located closest to the east property line, building **setbacks** shall be provided as follows:
  - (a) Minimum building **setback** of 7.5 metres from the east property line to the **basement**.

- (b) Minimum building **setback** of 9.1 metres from the east property line to the first through the second **storeys** above grade.
- (c) Minimum building **setback** of 11.3 metres from the east property line to the third **storey** above grade.
- (d) Minimum building **setback** of 1.9 metres from the abutting "**CR**" Zone.

### **INTENSITY OF USE**

- 319. Minimum **Gross Floor Area** 1.0 times the area of the entire parcel covered by this By-law, including the "**CR**" and "**M**' Zones but excluding the "**P**" Zone, as shown on Schedule '1' attached hereto.
- 320. Maximum **Gross Floor Area** 2.8 times the area of the entire parcel covered by this By-law, including the "**CR**" and "**M**" Zones but excluding the "**P**" Zone, as shown on Schedule '1' attached hereto.
- 321. Maximum 352 **dwelling units** for the entire parcel covered by this By-law, including both the "**CR**" and "**M**" Zones but excluding the "**P**" Zone, as shown on Schedule '1' attached hereto.

### **HEIGHT**

- 428. Minimum height of 2 storeys and a maximum height of 3 storeys, excluding basements.
- 431. For the building closest to the west lot line, minimum **height** of 10.5 m or 3 storeys, whichever is the greater, and a maximum **height** of 31.5 m or 10 storeys, whichever is the lesser, excluding **basements** and rooftop mechanical penthouses.
- 432. For the building closest to the east lot line, minimum **height** of 10.5 m or 3 storeys, whichever is the greater, and a maximum **height** of 43.2 m or 14 storeys, whichever is the lesser, excluding **basements** and rooftop mechanical penthouses.

### PARKING

- 454. **Parking spaces** shall not be located in the Sheppard Avenue East and Warden Avenue **street yard** for all new buildings constructed after January 1, 2012
- 455. Minimum vehicle **parking spaces** as follows:
  - (a) 0.7 **parking spaces** per bachelor **dwelling unit**;
  - (b) 0.8 parking spaces per one bedroom dwelling unit;
  - (c) 0.9 **parking spaces** per two bedroom **dwelling unit**;
  - (d) 1.1 parking spaces per three or more bedroom dwelling unit; and
  - (e) 0.15 **parking spaces** per **dwelling unit** for visitors.

Maximum vehicle **parking spaces** as follows:

- (a) 1.0 **parking spaces** per bachelor **dwelling unit**;
- (b) 1.2 parking spaces per one bedroom dwelling unit;
- (c) 1.3 parking spaces per two bedroom dwelling unit;
- (d) 1.6 parking spaces per three or more bedroom dwelling unit; and
- (e) 0.15**parking spaces** per **dwelling unit** for visitors.

## **BICYCLE PARKING**

- 475. **Bicycle parking spaces** shall be provided at a rate of:
  - (a) 0.7 long term **bicycles parking spaces** for each **dwelling unit**;
  - (b) 0.08 short term **bicycle parking spaces** for each **dwelling unit**; and where:
    - i) Long-term bicycle parking are bicycle parking spaces for use by the occupants or tenants of a building and must be located in a secure, weather protected and enclosed bicycle parking area within 30.0 m from a pedestrian entrance to the principal building on the lot; and
    - ii) Short-term bicycle parking are **bicycle parking spaces** for use by visitors to a building and shall be located in bicycle parking area at grade within 30.0 m from a pedestrian entrance to the principal building on the lot.

### Bicycle parking space for a dwelling unit shall not be located:

- (a) in a **dwelling unit**; or
- (b) on a balcony; or
- (c) in a storage locker; or
- (d) an area used for **ancillary** commercial space.

A **bicycle parking space** shall have the following dimensions:

- (a) if located in a horizontal position (on the ground):
  - minimum length of 1.8 m;
    - minimum width of 0.6 m;
    - minimum vertical clearance from the ground of 1.9 metres; and
- (b) if located in a vertical position (on the wall):
  - minimum length or vertical clearance of 1.9 m;
  - minimum width of 0.6 m;
  - minimum horizontal clearance from the wall of 1.2 metres.
- 476. Minimum 0.13 occupant **bicycle parking spaces** per 100 m<sup>2</sup> of **gross floor area** for all uses excluding **dwelling units** and the greater of 0.15 visitor **bicycle parking spaces** per 100 m<sup>2</sup> of **gross floor area** or 6 **bicycle parking spaces** for all uses excluding **dwelling units**.

#### **MISCELANEOUS**

- 502. Minimum floor to floor **height** of the **first floor** shall be 4.5 m for that portion of a building located within 20.0 m of the Sheppard Avenue East and Warden Avenue **street** line.
- 503. **CLAUSE VI PROVISIONS FOR ALL ZONES**, Sub-Clause 6, <u>Coverage</u>, shall not apply.
- 508. The provisions of this By-law shall apply collectively to this land notwithstanding its future division.
- 509. No person shall use any land or erect any building or structure unless the following public services are provided to the lot line and the following provisions are complied with:
  - a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 510. Sheppard Avenue East shall be deemed to be the **front lot line**.
- 512. Main Wall Length:

For the portion of the lot in the "**CR**" Zone having frontage on the Sheppard Avenue East street line: length of the **main wall** of the first 10.5 m of the **height** of all buildings facing a **street** shall be no less than 80% of the adjacent **street** line frontage.

- 513. **Underground parking structures** shall have a minimum **setback** of 0 m from all lot lines and a minimum setback of 0 m from the abutting "**P**" Zone.
- 514. **Amenity Space** for each building containing 20 or more **dwelling units** shall be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, on the following basis:
  - (a) A minimum of 2 square metres for each **dwelling unit** shall be indoor **amenity space**;
  - (b) A minimum of 40.0 square metres shall be outdoor **amenity space** adjoining or directly accessible to the indoor **amenity space**.
  - (c) a maximum of 25% of the outdoor component may be in the form of a **green roof**.

- **3. SCHEDULE 'C', EXCEPTION MAP** and **EXCEPTION LIST** is amended by adding Exception Number 85 to the lands shown on Schedule '2' as follows:
  - 85. On those lands identified as Exception 85 on Schedule 'C', the following provisions apply:
    - 1. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor:
      - a) prior to issuance of the first above-grade building permit for a building or structure on the lot the owner shall make a cash contribution to the City in the amount of \$600,000.00, to be directed towards the capital construction costs of the proposed Bridlewood YMCA Hub which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment;
      - b) the owner shall construct and maintain the development in accordance with Tier 1 - required measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee; and
      - c) The owner shall construct the park block to Above Base Condition, as approved by the General Manager of Parks, Forestry and Recreation, on those lands identified as the "**P**" Zone on shown on Schedule '1' attached hereto.
      - d) The Owner shall be responsible for any and all costs associated with signal timing optimization including but not limited to hardware modifications, if required, for the future background and total traffic conditions during peak hours at the intersection of Warden Avenue and Sheppard Avenue East.
  - 2. Where Section 1. above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

- 3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Section 1. above are satisfied.
- 4. In the event the cash contribution referred to in Section 1. a) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
- 4. SCHEDULE 'C', EXCEPTIONS LIST is amended by deleting Exception Number 15, as it it applies to all lands identified as Exception No. 15 on Schedule '2' and replacing it with the following:
  - 15. On those lands identified as Exception 15 on Schedule 'C', the following provisions apply:
    - (a) The only use permitted in the Multiple-Family Residential (M) Zone shall be **Multiple-Family Dwellings**.
- 5. Schedule 'C', EXCEPTION MAP is amended by deleting Exception Number 50 on those lands identified on Schedule '3'.
- 6. SCHEDULE 'C', EXCEPTIONS MAP is amended by deleting Exception Number 44, as it it applies to all lands identified on Schedule '4' and replacing it with the lands identified as Exception 44 on Schedule '2'.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY, Mayor ULLI S. WATKISS, City Clerk

(Corporate Seal)



# Schedule '1'

Not to Scale 4/23/15

Area Affected By This By-Law



Schedule ' 2 '

Toronto City Planning Division Zoning By-Law Amendment

3445 Sheppard Avenue East File # 13 180572 ESC 40 0Z

Area Affected By This By-Law

Tam O'Shanter Community By-Law Not to Scale 4/17/15



# Schedule ' 3 '



Area Affected By This By-Law

Tam O'Shanter Community By-Law Not to Scale 4/17/15



# Schedule ' 4 '

Area Affected By This By-Law

Tam O'Shanter Community By-Law Not to Scale 4/17/15



Attachment No. 7 Sheppard/Warden Avenue Study - Urban Design Concept Plan

## Attachment 8: Application Data Sheet

#### APPLICATION DATA SHEET

Application Type Details		OPA and Rezoning OPA and Rezoning, Standard		Application Number: Application Date:		13 180572 ESC 40 OZ June 4, 2013, April 2, 2015	
Public Address:	3445 SH	EPPARD AVE E					
Location Description:	CON 2 P	CON 2 PT LOT 32 **GRID E4004					
Project Description:	containin	Proposed residential development consisting of mixed use buildings of 10 and 14 storeys containing 295 units with commercial at grade fronting Sheppard Ave. E. and four blocks of stacked townhouses containing 57 units to the rear of the site for a total of 352 units.					
Applicant:	Agent:	Agent:		Architect:		Owner:	
WESTON CONSULTING					8188475 CANADA CORP		
PLANNING CONTRO	LS						
Official Plan Designation: Mixed Use Areas		Site Speci	Site Specific Provision:		Exception No. 50		
Zoning:		CR(H) and M(H)		Historical Status:		I	
Height Limit (m):			Site Plan	Control Area:	Y		
PROJECT INFORMATION							
Site Area (sq. m):		12438	Height:	Storeys:	14		
Frontage (m):		140.27	U	Metres:	48.1		
Depth (m):		127.82					
Total Ground Floor Area (sq. m): 3842		3842			Tota	al	
Total Residential GFA (sq. m): 2		29882		Parking Space	s: 370		
Total Non-Residential GFA (sq. m):		1800		Loading Dock	s 2		
Total GFA (sq. m):		30626					
Lot Coverage Ratio (%):		30.9					
Floor Space Index:		2.5					
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)							
Tenure Type:	Condo			Abo	ve Grade	<b>Below Grade</b>	
Rooms:	0	Residential	GFA (sq. m):	2988	82	0	
Bachelor:	1	Retail GFA	(sq. m):	1800	)	0	
1 Bedroom:	192	192 Office GFA (sq		ı. m): 0		0	
2 Bedroom:	118	Industrial GFA		(sq. m): 0		0	
3 + Bedroom:	41	Institutional	l/Other GFA (se	q. m): 0		0	
Total Units:	352						
	NNER NAME: LEPHONE:	Colin Ramd 416-396-415	lial, Senior Pla 1	nner			

