

**Final Report
Zoning By-law Amendment Application
500 Sheppard Avenue West (1 Canyon Avenue)**

Date:	June 11, 2007
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 10 – York Centre
Reference Number:	File No. 05 211266 NNY 10 OZ

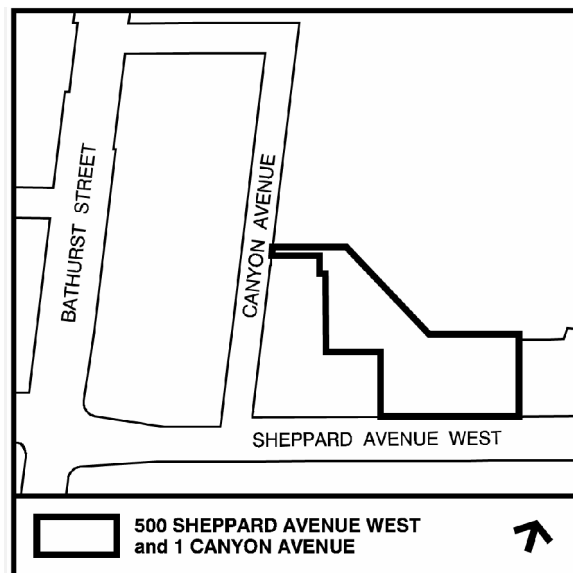
SUMMARY

This application proposes a 16-storey residential building containing 150 condominium units at 500 Sheppard Avenue West, formerly part of the property known as 1 Canyon Avenue. This report reviews and recommends approval of the application to amend the Zoning By-law for this property.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and
3. before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement



with the City, to the satisfaction of the City Solicitor, to provide or fund the following facilities, services and/or matters:

(A) A cash contribution of \$20,000 to be put toward streetscape improvements in the immediate vicinity of the site as follows:

- i Street tree installation in front of 1 Canyon Avenue, along both the Sheppard Avenue West frontage and the Canyon Avenue frontage;
- ii Street tree installation along both sides of Canyon Avenue where opportunities exist;
- iii Street tree installation along both sides of Sheppard Avenue West in the immediate vicinity of the subject lands where opportunities exist;
- iv Replacement of asphalt with decorative concrete or unit pavers in the boulevard along Canyon Avenue where opportunities exist; and,

(B) A cash contribution of \$130,000 to be dedicated to the improvement of existing recreational capital facilities in Ward 10, the specific location to be determined through continuing discussions between City Planning staff, the Ward Councillor, Parks, Forestry and Recreation staff and other City Divisions as required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In November 1997, applications for Official Plan and Zoning By-law Amendments were made by Har-Ru Holdings Ltd. to permit the development of a condominium apartment building on the vacant portion of an existing rental building site known as 1 Canyon Avenue. The proposal was for an 11-storey, 100-unit building with a maximum gross floor area of 9,550m². City Council approved the applications at its meeting of July 29, 30 and 31, 1998.

A Site Plan Control Application was processed concurrently and approved on November 13, 1998 subject to conditions.

The approved Zoning By-law required the applicant to enter into a Section 37 Agreement. This agreement included the conveyance to the Toronto and Region Conservation Authority of all the lands below the stable top-of-bank, the provision of a minimum of 150m² of recreational space in the existing rental building, provision for on-site recreational facilities and an undertaking that the existing building will be preserved as rental housing for a period of fifteen years. The Section 37 Agreement was registered on title on January 12, 1999 with the conditions relating to the preservation of the existing rental housing and the provision of recreational space in the existing building included in it. The conveyance of the land below the top-of-bank to a public authority were ultimately included in the conditions of Site Plan Control Approval.

Later that year, an application was approved severing the land for the proposed residential building and for the granting of easements.

The following year, another application was made to the Committee of Adjustment for permission to vary the Zoning By-law to permit the construction of a 13-storey, 126 unit apartment building with a gross floor area of 11,425m² and to vary the number of required parking spaces and the number of visitor parking spaces. The Committee of Adjustment approved an 11-storey, 116-unit apartment building with a maximum gross floor area of 10,200m², a combined number of units over the total site of 318 units and a requirement for 151 parking spaces for the new building.

While the Official Plan and Zoning By-law Amendments are in effect, the Site Plan Control Approval has lapsed. The current application has been submitted to amend the Official Plan and the Zoning By-law to permit a different proposal on the vacant land. Now that the City of Toronto Official Plan is in effect, an Official Plan Amendment is not required.

ISSUE BACKGROUND

Proposal

For the property now known as 500 Sheppard Avenue West, the applicant is proposing a building with a maximum height of sixteen (16) storeys and 150 condominium dwelling units. A net floor space index of 2.8 times the lot area is proposed. A total of 195 parking spaces would be provided, 174 of which would be located below grade. The site statistics are provided on the Application Data Sheet (Attachment 4).

Site and Surrounding Area

The site is located on Sheppard Avenue West, just east of Canyon Avenue.

The site was previously part of a larger lot, the remainder which is occupied by a seventeen (17) storey, 202-unit apartment building which will remain.

The proposed building would be located on tableland currently vacant adjacent to a valley slope of the Don River West. The building site would have frontage on Sheppard Avenue West, with vehicular access provided from both Canyon Avenue and Sheppard Avenue.

The surrounding uses are as follows:

- North: Two 20-storey apartment buildings (15 and 25 Canyon Avenue) containing approximately 233 units. Further north, Canyon Avenue is developed with high rise apartment buildings and a private school located at the north end of the street.
- West: a small retail strip plaza is located across Canyon Avenue with a 14-storey apartment building located north of the plaza.
- South: Three apartment buildings with heights of 12-13 storeys across Sheppard Avenue West. An additional 13-storey building has been approved, but not constructed, at the southeast corner of Bathurst Street and Sheppard Avenue West.
- East: Don River West valley lands.

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 Greenbelt Plan identifies the Greenbelt of the Greater Golden Horseshoe as an area where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological functions and features occurring in this landscape. In particular, it restricts development and land use in the Rouge River Watershed and the Rouge Park area in Toronto.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Greenbelt Plan.

Official Plan

The west portion of the site is designated "*Apartment Neighbourhoods*" and the east portion of the site is designated "*Natural Areas*". The *Apartment Neighbourhoods* designation permits apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. *Natural Areas* will be maintained in a natural state, while allowing for compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions, and; conservation projects, public transit and public works for which no reasonable alternatives are available, and that are designed to have only minimal adverse impacts on natural features and functions.

Zoning

The existing zoning on the site is "RM6(91)" and "O1" which permits an apartment building on the vacant table lands of the Don River West and the retention of the existing rental apartment building on the western portion of the site. The Zoning By-law establishes specific provisions for the new building regarding maximum gross floor area, height, number of units and the building location. Similar provisions apply to the existing rental apartment building.

The Zoning By-law also sets out the Section 37 requirements for the increases in gross floor area, number of units and height. They include the conveyance of the lands below top-of-bank to the TRCA, the provision of a minimum of 150m² of recreational space within the existing rental building with a required minimal amount of \$50,000 to be spent on the recreational facilities, and an undertaking that the units in the existing building will be preserved as rental housing stock for a period of 15 years.

Existing Section 37 Agreement

A Section 37 Agreement was prepared and registered on title on January 12, 1999 for the entire property encompassing 1 Canyon Avenue and 500 Sheppard Avenue West. It contains the following provisions:

- That the Owner, at its sole cost and expense, design and construct a fully finished meeting and recreation facility, provided that the minimum amount required to be expended by the Owner in connection with the design, construction and completion of the Facility shall not be less than the sum of \$50,000 and that the Facility shall be located in the B1 level of the existing rental apartment house dwelling on the Site, and be not less than 150 square metres in floor area.
- That the Owner covenants, agrees and undertakes that it shall ensure that for a period of fifteen years the existing rental apartment house dwelling will be preserved and maintained as rental housing stock and that it not make any application for condominium conversion or for

demolition to construct anything other than rental housing units in respect of the building presently located on the Site during the fifteen year period.

The conveyance of the ravine lands were made a condition of Site Plan Control Approval, which was issued on November 13, 1998. However, this Site Plan Control Approval lapsed as the applicant did not enter into a Site Plan Agreement within the time specified and the ravine lands remain in private ownership.

The Section 37 Agreement has been registered on title and is in force and effect. The owner of 1 Canyon Avenue has met the Section 37 obligation with regard to the provision of recreational space in the rental building. On February 10, 2000 City staff conducted a site inspection to confirm that the facilities were developed in accordance with the terms and conditions of the Section 37 Agreement and a Letter of Credit for \$50,000 that the City was holding as a security was released. In terms of the protection of the rental housing units, they remain as rental units and the owner is obligated to retain the rental units for the required period.

Site Plan Control

An application for Site Plan Control Approval has been submitted and is being processed.

Reasons for Application

Policy C.9.209.0 of the former North York Official Plan specifically limited development on the subject lands to an 11-storey, 9,950m² apartment house dwelling in addition to the existing 17-storey building which is now on an adjacent property. The proposal is for a 16-storey, 13,324m² condominium apartment building. The applications were filed under the former City of North York Official Plan. The new Official Plan for the City of Toronto has come into effect and as the proposal complies with the new Plan, an Official Plan Amendment is no longer required.

The RM6(91) zone does not permit the proposed 16 storey, 13,324m² building containing 150 units on the east portion of the site.

Community Consultation

The Ward Councillor held a Community Consultation Meeting on May 1, 2006 at the Earl Bales Community Centre. The meeting attracted approximately 55 residents from the community.

The following issues were raised:

- Increased traffic generated from the new development and the proposed access onto Canyon Avenue will exacerbate the existing congested situation on Canyon Avenue;
- School bus loading and drop-off during rush hour on Canyon Avenue causes major traffic obstructions;
- Residents want assurance of an adequate parking supply for the proposal to prevent overflow on-street parking;
- Concerns about the slope stability of the site adjacent to the ravine;
- Proposal will obstruct the views of the surrounding buildings;
- Overview, privacy and shadow impacts; and
- Adequacy of existing services.

As a result of the Community Consultation Meeting, a resident's working group was organized by the Ward Councillor's office. Meetings were held on May 16, 2006 and June 22, 2006 and the above-noted issues were discussed. The issues have been addressed in the Comment Section below.

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.

The proposal conforms to and does not conflict with the Greenbelt Plan.

Land Use

The proposed development conforms to the land use provisions of the Official Plan. This site is appropriate for residential intensification. The location takes advantage of physical infrastructure, existing community services and transportation facilities. It is located on an arterial road, well served by public transit and close to Earl Bales Park, Community Centres and the Don Valley.

Density and Height

The applicant is proposing a density of 2.8 times the lot area. This is the net density on the lands and does not include the ravine lands which are to be dedicated to a public authority. This is an appropriate density for lands which are designated *Apartment Neighbourhood*.

The building is proposed to be a maximum of 16 storeys and reflects what exists in the neighbourhood. The buildings to the north are 20 storeys in height, the building at 1 Canyon Avenue is 17 storeys and the buildings across Sheppard Avenue West are in the 12-13 storey range. The proposed height is appropriate for this neighbourhood.

Sun and Shadow

Substantial distances are proposed for the new building from the existing buildings surrounding the site which will minimize the impact of shadowing. The building has a square floor plate of approximately 28m by 30m which minimizes the impact of shadows. At its worst, shadows that fall outside the property boundaries impact the adjacent ravine lands rather than neighbouring residential properties. However, the existing rental building, with its rectangular shape casts shadows that impact the ravine lands more than the proposed building will. The proposed building will not increase the shadow impacts on the surrounding lands, including the ravine lands, from the existing situation.

Privacy and Overlook

The proposed building is approximately 46 metres from the existing building at 1 Canyon Avenue, the closest neighbour. The 20 storey building to the north known as 15 Canyon Avenue is 75 metres from the proposed building. These building separation distances are entirely appropriate in the context of the "RM6" zoning prevalent in this neighbourhood and result in acceptable privacy and overlook conditions for existing and new residences.

The building floor plate is approximately 840m² giving the building a compact form. The buildings location at the edge of the site provides an opportunity to maintain the existing views of the ravine from the surrounding apartments as set out in the City's Tall Buildings Guidelines.

Traffic Impact, Access and Parking

The applicant has submitted a Traffic Impact Study and Traffic Certification prepared by Marshall Macklin Monaghan. The Transportation Services Division has reviewed the studies and advises they are acceptable.

Concern was raised at the Community Consultation Meeting with regard to the existing traffic situation in the neighbourhood, particularly at rush hour. Canyon Avenue is a particularly narrow street where school buses stop to make pick-ups and drop-offs during peak periods. This causes traffic congestion on Canyon Avenue and creates frustration for existing residents. The concern is that a new development with access to Canyon Avenue will exacerbate this situation.

Considerable discussion ensued at the Resident Working Group Meetings as to how the existing situation could be mitigated. Even if Canyon Avenue were wide enough to create bus lay-bys this would not address the problem because it is illegal to pass a bus which has its flashing lights on while loading and unloading. It is the School Board's policy that buses do not pull onto private property to load and unload. This will be mitigated to the extent possible by having vehicular site access to the new building from Sheppard Avenue West.

Servicing

The applicant has provided a Functional Servicing Report for the subject applications. The proposal can be adequately serviced by the existing infrastructure.

Geotechnical - Slope Stability

The applicant submitted a geotechnical report which assessed the stability of the slope. It concludes there is no evidence of erosion and the slope is considered stable and will not be adversely affected by the construction of the proposed building. In order to maintain this stability, surface runoff will not be allowed to run down the slopes and the vegetation on the face of the slope will be maintained and improved where possible.

Open Space/Parkland

The Parks, Forestry and Recreation Division has recommended that this development be subject to a 5 percent cash-in-lieu of parkland dedication payment which will be payable at the time of building permit issuance.

Dedication of the Ravine Lands

As part of the previous application processes in 1998, the applicant was required to dedicate the valley lands to a public authority. While this requirement was described under the Section 37 requirements of the Zoning By-law, the actual conveyance was made a condition of Site Plan Control Approval. While Site Plan Control Approval was obtained, the applicant did not enter into a Site Plan Control Agreement and the approval lapsed. The valley lands were not conveyed to the City and will once again be a required condition of Site Plan Control Approval. The lands are to be taken as a condition of Site Plan Control Approval as the Parks, Forestry and Recreation Department will request a number of

improvements to the ravine lands as a condition of Site Plan Control Approval prior to its conveyance to a public authority.

Zoning of the Ravine Lands

The ravine lands were zoned “O1” by the previous Zoning By-law 825-1998 although the Toronto Region Conservation Authority has agreed to adjust the top-of-bank line slightly. Two portions of the ravine lands require an amendment to the zoning as shown in the draft Zoning By-law (Attachment 5).

Section 37

When the Section 37 provisions for the existing agreement were crafted, it was anticipated both the new apartment building and the existing rental building would remain under the same ownership. However, the subject site is now under different ownership and the earlier Section 37 obligations regarding the protection of rental housing units in the existing building contained within the existing agreement are not appropriate for the new development. For the 500 Sheppard Avenue West site, alternative Section 37 requirements have been negotiated with the applicant and a new Agreement will be registered on title. The previous Agreement for 1 Canyon Avenue is in place and will remain in effect.

The community benefits being recommended fall into two categories – improvements to boulevards within the public rights-of-way and improvements to recreation facilities in this area.

There are opportunities for landscape enhancements including tree planting within the public rights-of-way in the immediate vicinity. Staff have determined that there is an opportunity for approximately 20 trees within the boulevards surrounding the subject site. The suggested locations include the boulevards along Canyon Avenue and Sheppard Avenue West adjacent to 1 Canyon Avenue; along both sides of Canyon Avenue north of 1 Canyon Avenue; and limited opportunities along Sheppard Avenue West across from the subject property and 1 Canyon Avenue. There are also locations where existing asphalt in the boulevard could be replaced with decorative unit pavers. These described boulevard improvements are within the public right-of-way adjacent to privately owned parcels beyond the subject site. Improvements to the boulevard adjacent the subject site will be a condition of the Site Plan Control Approval for the subject lands.

With regard to improvements to existing recreation facilities in Ward 10, there are currently capital initiatives underway to address a shortage of facility space. Section 37 monies from this development can be applied to these initiatives. Specifically, there are opportunities at Earl Bales Community Centre across Sheppard Avenue West, as well as the Antibes Community Centre. Ongoing discussions with staff from Parks, Forestry and Recreation, Toronto Public Library, Toronto Public Health and the Ward Councillor will ensure the monies are directed to the appropriate projects with the most immediate need.

The specific community benefits recommended to be secured in the Section 37 Agreement are:

- (A) A cash contribution of \$20,000 to be put toward streetscape improvements in the immediate vicinity of the site as follows:
 - i Street tree installation in front of 1 Canyon Avenue, along both the Sheppard Avenue West frontage and the Canyon Avenue frontage;
 - ii Street tree installation along both sides of Canyon Avenue where opportunities exist;

- iii Street tree installation along both sides of Sheppard Avenue West in the immediate vicinity of the subject lands where opportunities exist;
- iv Replacement of asphalt with decorative concrete or unit pavers in the boulevard along Canyon Avenue where opportunities exist; and

(B) A cash contribution of \$130,000 to be dedicated to the improvement of existing recreational capital facilities in Ward 10, the specific location to be determined through continuing discussions between City Planning staff, the Ward Councillor, Parks, Forestry and Recreation staff and other City Divisions as required.

Payment of these monies will be required at the time of the issuance of building permits.

Development Charges

It is estimated the development charges for this project will be \$629,700. This is an estimate. The actual charge is assessed and collected upon issuance of building permits.

CONTACT

Cathie Ferguson, Senior Planner
Tel. No. 416-395-7117
Fax No. 416-395-7155
E-mail: cfergus@toronto.ca

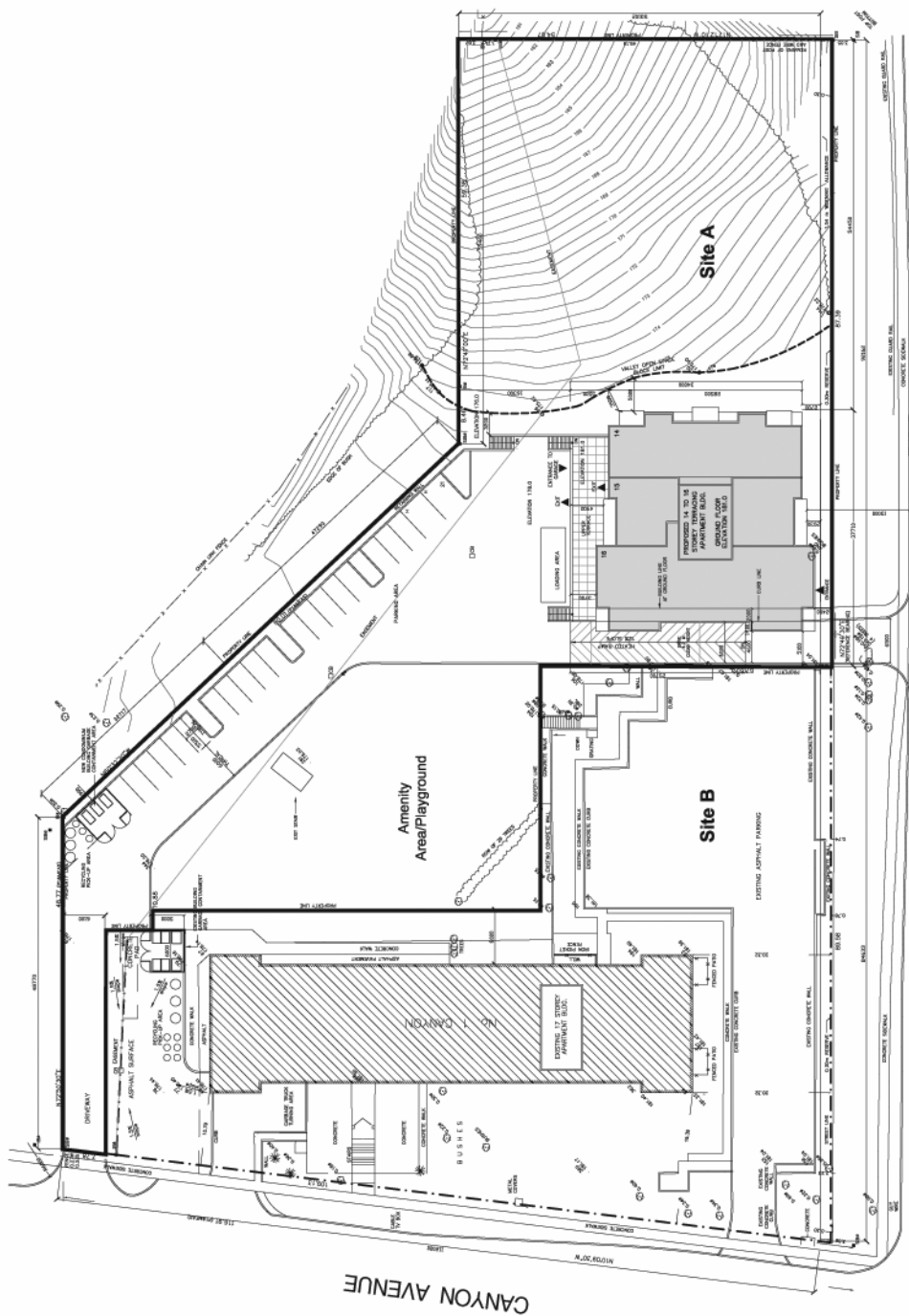
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



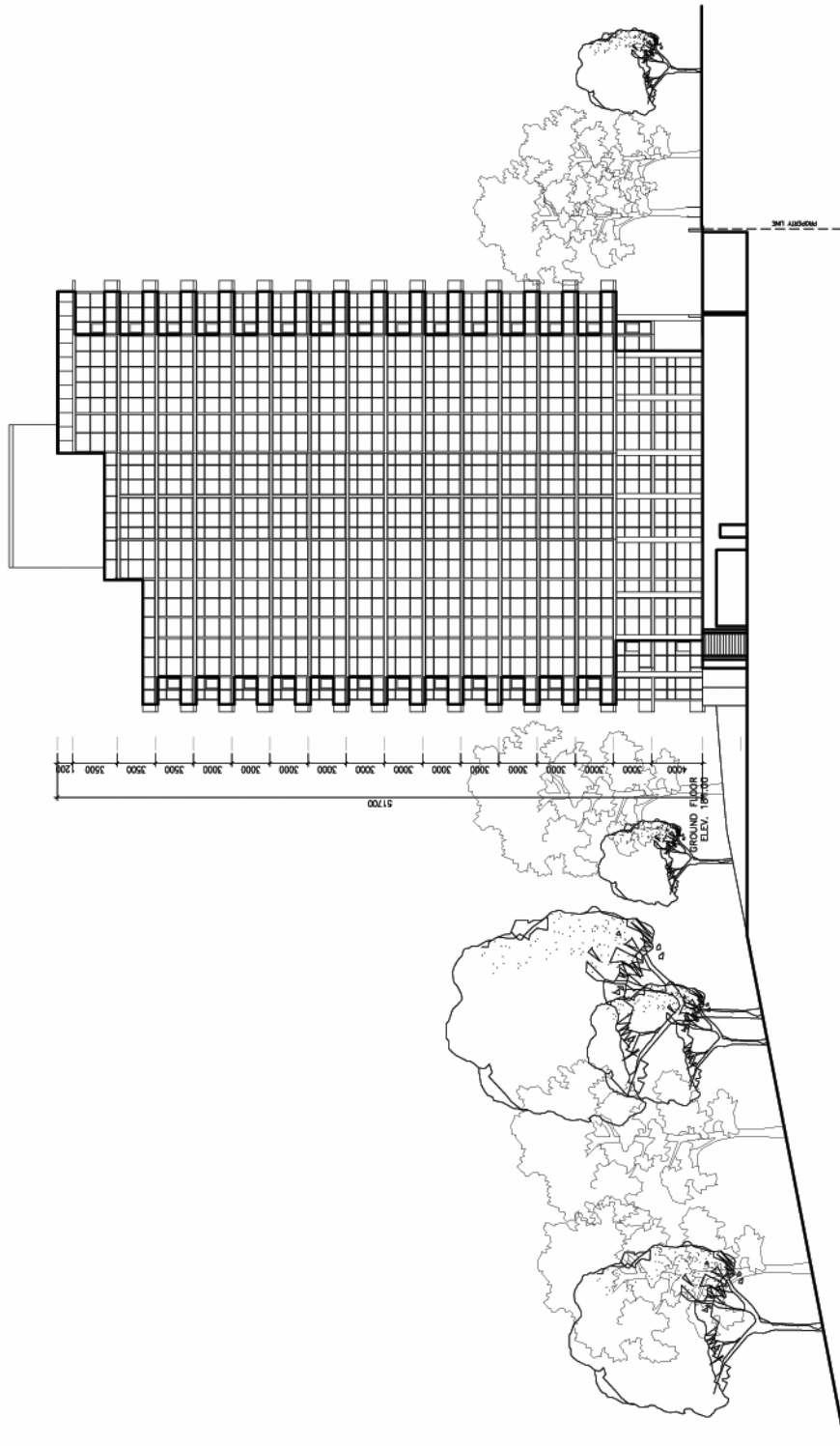
Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 03/13/06

500 Sheppard Avenue West and 1 Canyon Avenue



File # 05_211266

Attachment 2a: North Elevation (Sheppard Avenue West)



North Elevation

500 Sheppard Avenue West and 1 Canyon Avenue

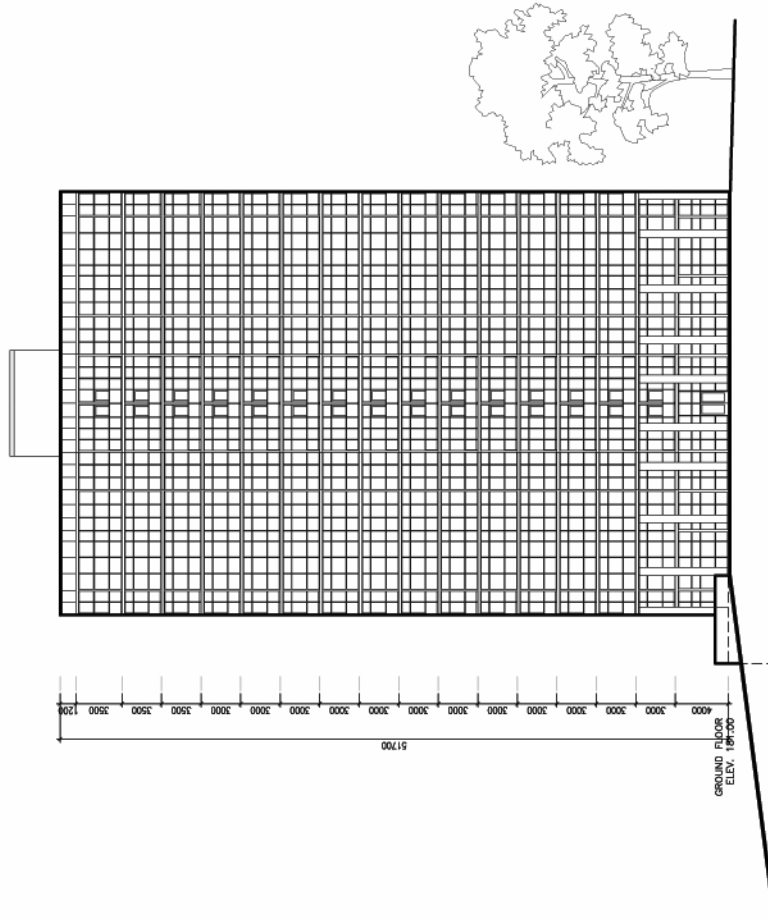
Elevations

Applicant's Submitted Drawing

Not to Scale
03/13/05

File # 05_211266

Attachment 2b: West Elevation



West Elevation

500 Sheppard Avenue West and 1 Canyon Avenue

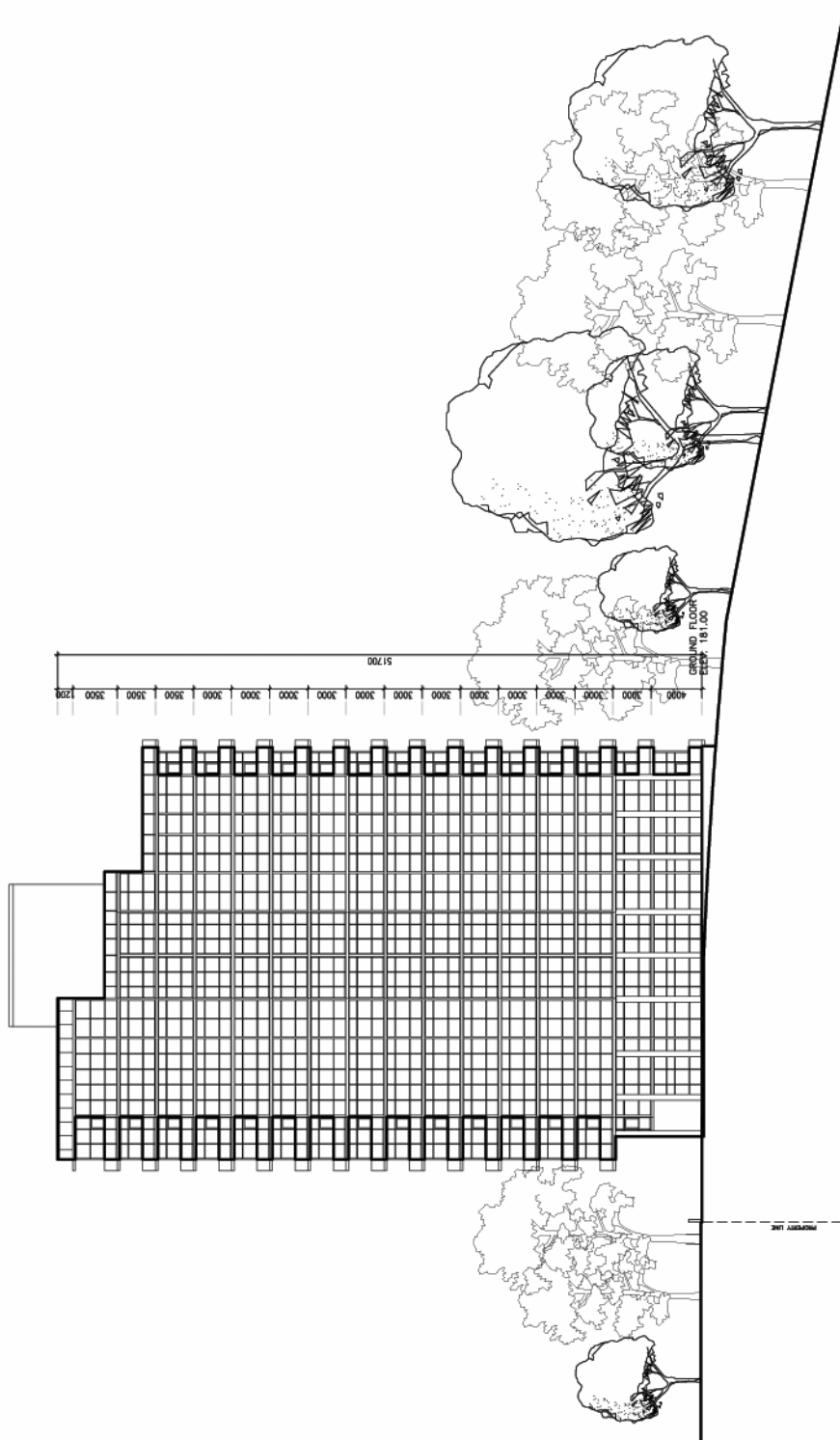
Elevations

Applicant's Submitted Drawing

Not to Scale
03/13/06

File # 05_211266

Attachment 2c: South Elevation



South Elevation

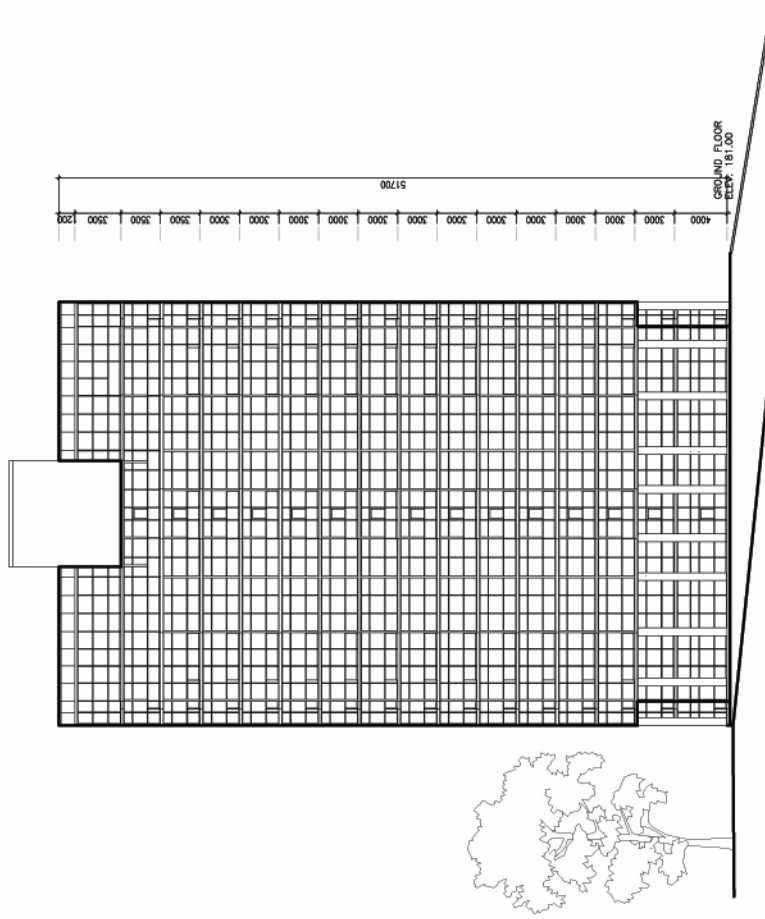
500 Sheppard Avenue West and 1 Canyon Avenue

Elevations
Applicant's Submitted Drawing

Not to Scale
03/13/06

File # 05_211266

Attachment 2d: East Elevation



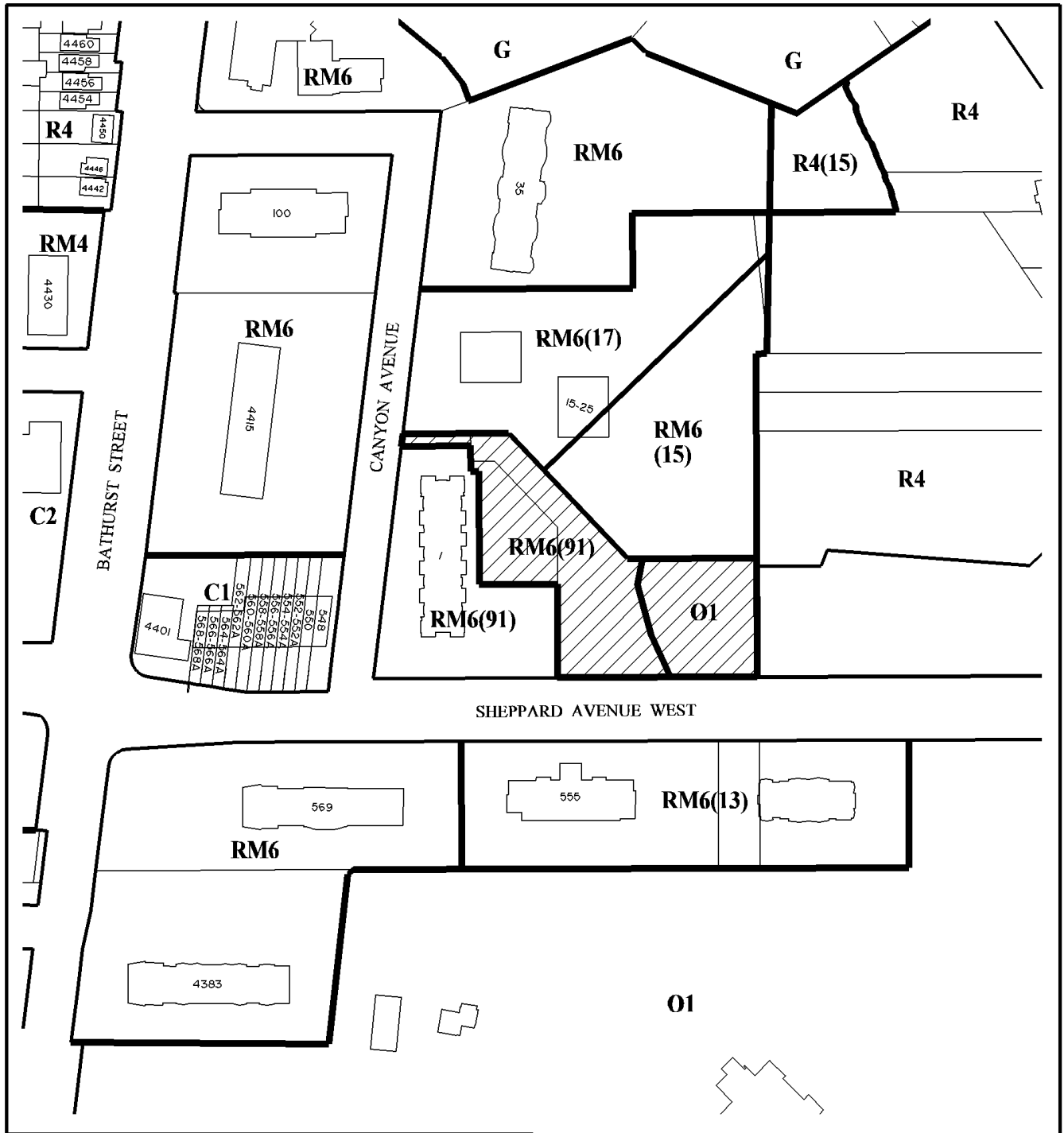
East Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
03/13/06

500 Sheppard Avenue West and 1 Canyon Avenue

File # 05_211266

Attachment 3: Zoning



- R4 One-Family Detached Dwelling Fourth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- O1 Open Space Zone
- G Greenbelt Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 03/14/06

Attachment 4: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 211266 NNY 10 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 21, 2005

Municipal Address: 1 CANYON AVE, TORONTO ON
 Location Description: PLAN 2069 LOT 26 **GRID N1003
 Project Description: Proposed 14-16 storey condominium building containing 150 dwelling units.

Applicant:	Agent:	Architect:	Owner:
WINCH PLANNING & DEVELOPMENT SERVICES			2078411 ONTARIO LTD.

PLANNING CONTROLS

Official Plan Designation: RD5	Site Specific Provision:
Zoning: RM6(91), O1	Historical Status:
Height Limit (m):	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	5445	Height:	Storeys:	16
Frontage (m):	92.16		Metres:	51.1
Depth (m):	irregular			
Total Ground Floor Area (sq. m):	1034			Total
Total Residential GFA (sq. m):	16449		Parking Spaces:	195
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	16449			
Lot Coverage Ratio (%):	12.8			
Floor Space Index:	2.8 (excludes parking area within building)			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	14478	1971
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	79	Office GFA (sq. m):	0	0
2 Bedroom:	71	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	150			

CONTACT: PLANNER NAME: Cathie Ferguson, Planner
TELEPHONE: (416) 395-7117

Attachment 5: Draft Zoning