

**Final Report
Official Plan and Zoning Amendment Applications
872 – 878 Sheppard Avenue West**

Date:	August 21, 2007
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 10 – York Centre
Reference Number:	File No. 05 212039 NNY 10 OZ

SUMMARY

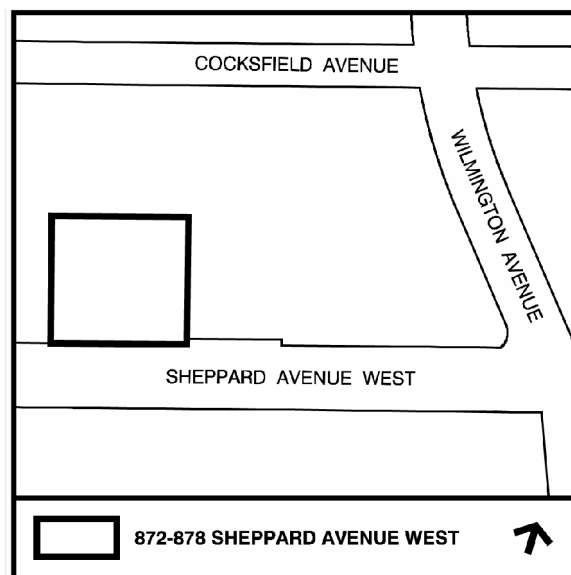
This application proposes an eight (8) storey mixed-use condominium apartment building with 303m² of ground floor commercial uses, 120 residential units above and one level of underground parking at 872 – 878 Sheppard Avenue West.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6;
2. 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. 7;



3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required; and
4. 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 \$120,000 to be dedicated to improving 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.
 - (B) A cash contribution of \$30,000 to be dedicated to Public Art for improvements in the public realm in Ward 10, under the Percent for Public Art Program. The specific location is to be determined through the Art in Public Places Commission, with input from Economic Development, Culture and Tourism staff and the Ward Councillor.

Financial Impact

The recommendations in this report have no financial impact.

APPLICATION HISTORY

In December of 2005, the owner of 866-868 Sheppard Avenue West submitted an application for an amendment to the Official Plan and Zoning By-law for the property at 872 Sheppard Avenue West. The proposal was for a six storey, 49-unit addition to the existing 103-unit retirement residence at 866-868 Sheppard Avenue West which was completed in 2004.

In December 2006, the applicant notified City Planning that the property at 872 Sheppard Avenue West had been acquired by the owner of 874 Sheppard Avenue West. The new owner has assembled a number of properties and the current application now includes four properties (872 to 878 Sheppard Avenue West) immediately west of the existing retirement home.

ISSUE BACKGROUND

Proposal

The applicant is proposing an eight (8) storey mixed-use condominium apartment development with 303m² of ground floor commercial space and 120 dwelling units above. A floor space index of 3.0 is proposed. A total of 156 parking spaces will be provided, 110 of which will be located below grade. The site statistics are presented on the Application Data Sheet (Attachment 5).

Site and Surrounding Area

The site is located on the north side of Sheppard Avenue West between Wilson Heights Boulevard and Wilmington Avenue. The land assembly has an overall site area of 3,912m² and a frontage of approximately 65 metres on Sheppard Avenue West. The site currently contains two vacant, one-storey residential dwellings.

Land uses surrounding the subject site are as follows:

North: Single family detached dwellings;

South: A mix of single family detached dwellings, mid-rise mixed-use developments and commercial uses;

East: A mix of institutional and commercial uses; and

West: Single family detached dwellings and mid-rise mixed-use developments.

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 land is identified as *Avenues* on Map 2 of the Official Plan. Lands so identified are intended for growth. The site is designated *Mixed Use Areas* by the City of Toronto Official Plan. The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses and flexibility is provided for future redevelopment in these areas to accommodate increases in population and jobs along transit lines.

The Official Plan contains a policy that encourages the inclusion of public art in all significant private sector developments across the City. The governing principle for the Percent for Public Art Program is that art is a public benefit to be enjoyed and experienced by residents and visitors throughout the City. The program requires that the artwork must be clearly visible at all times from publicly accessible areas. When making a percent for public art contribution, a developer has three options: 'On-site', 'Off-site' and 'On-site and Off-site'.

The site is within the Sheppard West/Dublin Secondary Plan area where the policy objectives are to encourage and maintain a diversity of residential, institutional, retail, service commercial, office and open space uses. The subject site is designated *Mixed Use Area "B"*, the preferred development form being mixed use developments which contain ground floor commercial uses with upper floor residential uses. On lots with frontages greater than 30 metres, mixed-use buildings may have a maximum density of 2.0 times the lot area and a maximum height of 5 storeys.

The Secondary Plan further requires a minimum building setback from *Neighbourhoods* of 9.5 metres and that suitable fencing and a minimum 1.5 metre landscape strip be provided and maintained along the rear property line between new development and *Neighbourhoods*.

Zoning

The subject lands are zoned “R4” (One-Family Detached Fourth Density Zone) in the former City of North York Zoning By-law 7625. This zone permits single family detached dwellings and accessory uses. A limited number of institutional and recreation uses as well as home occupations are also permitted in this zone.

Site Plan Control Approval

A Site Plan Control Approval application has been submitted. The Site Plan Control Approval application is being reviewed concurrently with the Official Plan and Zoning By-law Amendment applications. Issues such as screening, landscaping and pedestrian amenities will be reviewed through the site plan process.

Reason for the Application

Amendments to the Official Plan and Zoning By-law are required as the proposal does not comply with the height and density provisions of the *Mixed Use Area* “B” designation nor the land use permissions contained within the “R4” zone.

Community Consultation

The Ward Councillor held a Community Consultation meeting on February 12, 2007 at William Lyon MacKenzie Collegiate Institute. The meeting attracted approximately 20 residents from the community.

The following issues were raised:

- Increased traffic from the development will exacerbate the existing situation on Sheppard Avenue West;
- The proposed density is too high and inappropriate for Sheppard Avenue West;
- The existing services are inadequate to accommodate the development; and
- The development will result in overview, privacy and shadow impacts.

As a result of the Community Consultation meeting, a resident’s working group was organized by the Ward Councillor’s office. A meeting was held on March 19, 2007 and the two issues discussed at that meeting related to the operation of the garbage area and the nature of the buffering between the proposed development and the existing dwellings that front on Cocksfield Avenue north of the site. The issues have been addressed in the Comments 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 development promotes intensification through a compact building form utilizing existing infrastructure. The development will provide for a range of unit sizes on an arterial road with bus service and within walking distance of the Downsview Subway Station, thus

promoting additional ridership for the transit system. Finally, the development design will promote an active pedestrian environment along Sheppard Avenue West.

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

Land Use

The City of Toronto Official Plan requires that future growth in Toronto be steered to areas which are well served by transit and the existing road network and have redevelopment potential. The lands are identified as *Avenues* and the Official Plan describes that much of the new development along the *Avenues* will have a residential emphasis. The site is designated *Mixed Use Areas* and *Mixed Use Areas* will also absorb most of the anticipated increase in new housing in Toronto. An apartment building with at-grade commercial uses is an appropriate use for lands identified as *Avenues* and designated *Mixed Use Areas*.

The location takes advantage of physical infrastructure, existing community services and transportation facilities. The site has direct access to Sheppard Avenue West which functions as a major arterial road. In addition, the site is approximately 600 metres from the W. R. Allen Road and the Downsview Subway Station. This location provides an opportunity to make efficient use of existing and planned rapid transit facilities. The site is also well served by bus service on Sheppard Avenue West. The proposed development will capitalize on its location in relation to both the subway station and the intersection of two arterial roads. The proposed development therefore conforms to the land use provisions of the Official Plan and this site is appropriate for residential intensification.

Density, Height, Massing

The applicant is proposing a density of 3.0 times the lot area. This is an appropriate density for these lands which are identified as *Avenues* in the Official Plan and designated *Mixed Use Areas* in the Official Plan and the Sheppard West/Dublin Secondary Plan.

The site has a frontage of 65 metres and a depth, after a conveyance for road widening of 2.76 metres to the City, of approximately 58 metres. The applicant has demonstrated that the site can accommodate the proposed mixed-use building at a density of 3.0 F.S.I and provide adequate parking, loading and garbage facilities.

The proposed building has been positioned on the site to provide a strong defined building edge along Sheppard Avenue West. The structure has a rear yard setback of approximately 19 metres from the adjacent residential community to the north which exceeds the 9.5 metre requirement of the Sheppard West/Dublin Secondary Plan. The applicant has proposed that tall shrubs be planted in a 1.5 metre wide landscape strip along the rear property line to provide screening for the abutting adjacent properties that front onto Cocksfield Avenue, as required by the Sheppard West/Dublin Secondary Plan.

The Sheppard West/Dublin Secondary Plan requires that building heights shall not exceed the horizontal distance separating the building from the nearest property line. The intent of this angular plane is to minimize the impact on low density residential areas immediately adjacent to the Secondary Plan areas. The building proposed by the applicant including mechanical areas, complies with this height requirement.

An eight-storey building at this location concentrates higher density uses along Sheppard Avenue West close to the Downsview Subway Station. The ground floor commercial uses have been located with a minimal setback from the widened portion of Sheppard Avenue West. The base of the building has been located within 5.5 metres of the west lot line and within 5.0 metres of the east lot line. Once adjacent properties to the west redevelop a continuous building façade and pedestrian oriented streetscape will be achieved in this location.

Sun and Shadow

The applicant's architect conducted a shadow analysis of the proposal and found that the shadowing of the project on the adjacent properties is negligible. In particular, siting the building as close to Sheppard Avenue West as possible minimizes shadow impacts on the properties to the north.

Traffic Impact, Access, Parking

The applicant has submitted a Traffic Impact Study prepared by Read, Voorhees & Associates Ltd. Vehicular access to the site is provided via a full movement access from Sheppard Avenue West. The Traffic Impact Study submitted by the applicant indicates that the vehicular traffic generated by the proposed development can be absorbed into the existing transportation network with little impact. The Transportation Services Division has reviewed the study and advises it is acceptable.

The applicant is providing one loading area and a total of 156 parking spaces on the site. Forty-six of those spaces are at-grade behind the building with 24 of those spaces being for residential visitors, 10 for residential occupants and 12 spaces for commercial use. An additional 110 spaces are located below grade for residential occupant use. The proposed parking rate is similar to other mixed use developments in the neighbourhood at 1.25 parking spaces per residential unit, with 0.2 spaces per unit being for residential visitors. Parking for the ground floor commercial space will be at a rate of 1 parking space per 24m² of gross floor area as per Zoning By-law 7625.

The applicant has proposed that a sharing arrangement be provided between the residential visitor parking spaces and the required parking for the non-residential uses. A maximum of 6 parking spaces will be shared. The concept of shared parking between residential visitor and office/commercial parking is predicated on the basis that the demand for residential visitor parking peaks at different times than that for office uses/commercial uses.

The proposed access, traffic generation and parking area is acceptable to the Transportation Services Division.

Servicing

The applicant has provided a Servicing and Grading Plan and a Storm Water Management Report for the proposed development. The development can be adequately served by the proposed infrastructure.

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.

Streetscape

The proposal supports objectives in the Toronto Official Plan to achieve an aesthetically pleasing streetscape in the following manner:

- the building is located at the Sheppard Avenue West property line and will provide a continuous façade along Sheppard Avenue West, incorporating architectural elements that are of a pedestrian scale;
- the provision of street trees will enhance the pedestrian experience; and
- the provision of entrances to ground floor commercial units directly from Sheppard Avenue West will encourage pedestrian activity on the street.

Public Art

The governing principle for the Percent for Public Art Program is that art is a public benefit to be enjoyed by all. There are limited opportunities for public art on the site itself but there are potential locations within the immediate neighbourhood such as Banting Park. The building is of a substantial size and the Official Plan encourages the inclusion of public art in all significant private sector developments across the City. The applicant has agreed to make a contribution of \$30,000 under the Percent for Public Art Program to be utilized in Ward 10, preferably in a location in close proximity to the subject site where it can be enjoyed by the community.

Section 37

The community benefits which are recommended involve improvements to recreation facilities in this area. There are currently capital initiatives underway to address a shortage of facility space in Ward 10. Section 37 monies from this development can be applied to these initiatives. Specifically, there are opportunities at the Antibes Community Centre and Earl Bales Community Centre. Ongoing discussions with staff from Parks, Forestry and Recreation, Toronto Public Library, Toronto Public Health and the Ward Councillor will ensure that monies are directed to the projects with the most immediate need.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- (A) A cash contribution of \$120,000 to be dedicated to improving 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 building permit issuance.

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

- i. A cash contribution of \$30,000 to be dedicated to Public Art for improvements in the public realm in Ward 10, under the Percent for Public Art Program. The specific location is to be determined through the Art in Public Places Commission, with input from Economic Development, Culture and Tourism staff and the Ward Councillor.

Development Charges

It is estimated that the development charges for this project will be \$777,359. This is an estimate. The actual charge is assessed and collected at the time of building permit issuance.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Zoning

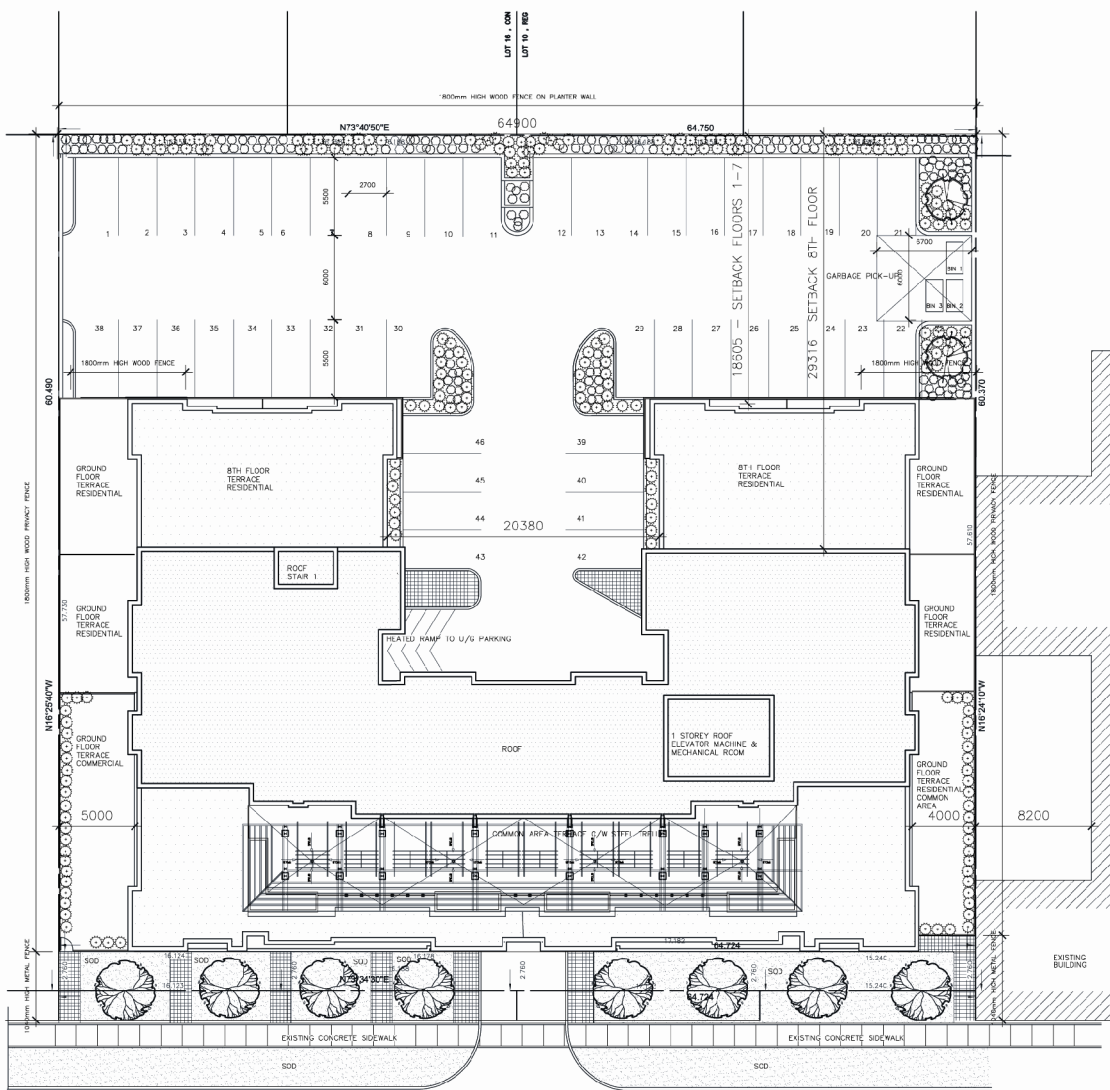
Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



SHEPPARD AVENUE WEST

Site Plan

Applicant's Submitted Drawing

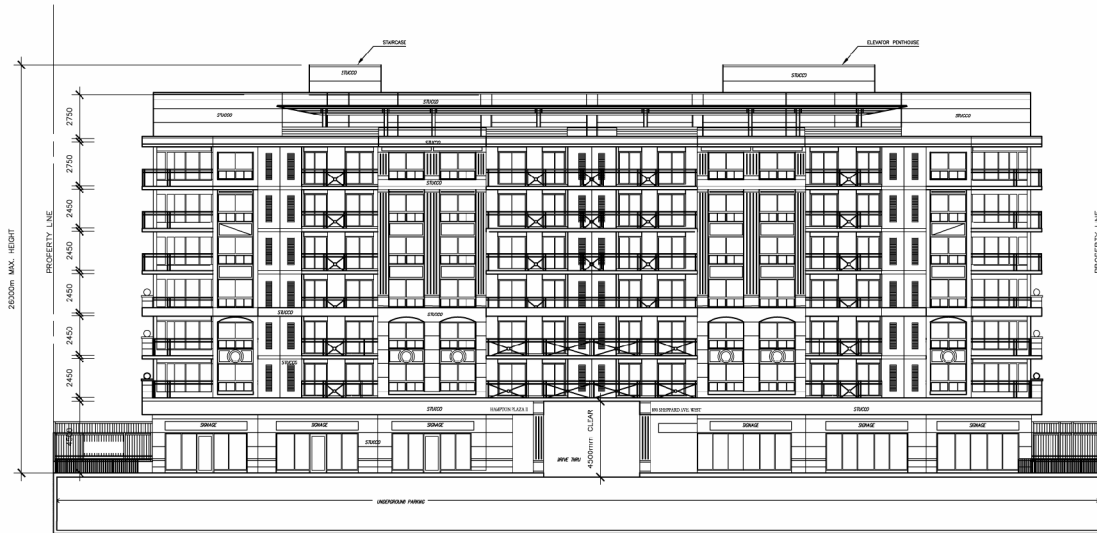
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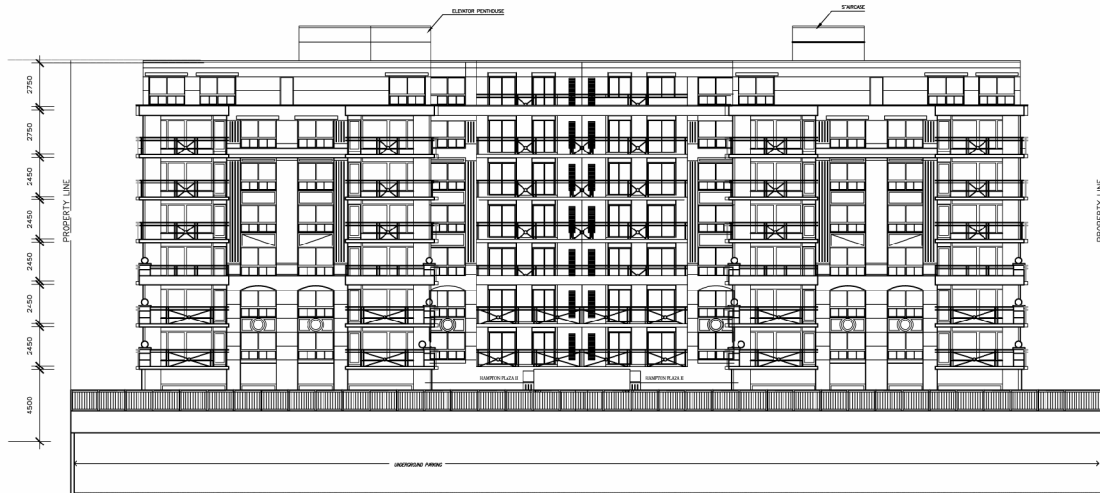
872-878 Sheppard Avenue West

File # 05_212039

Attachment 2a: North and South Elevations



South Elevation



North Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
01/19/07

872-878 Sheppard Avenue West

File # 05_212039

Attachment 2b: East and West Elevations



East Elevation



West Elevation

Elevations

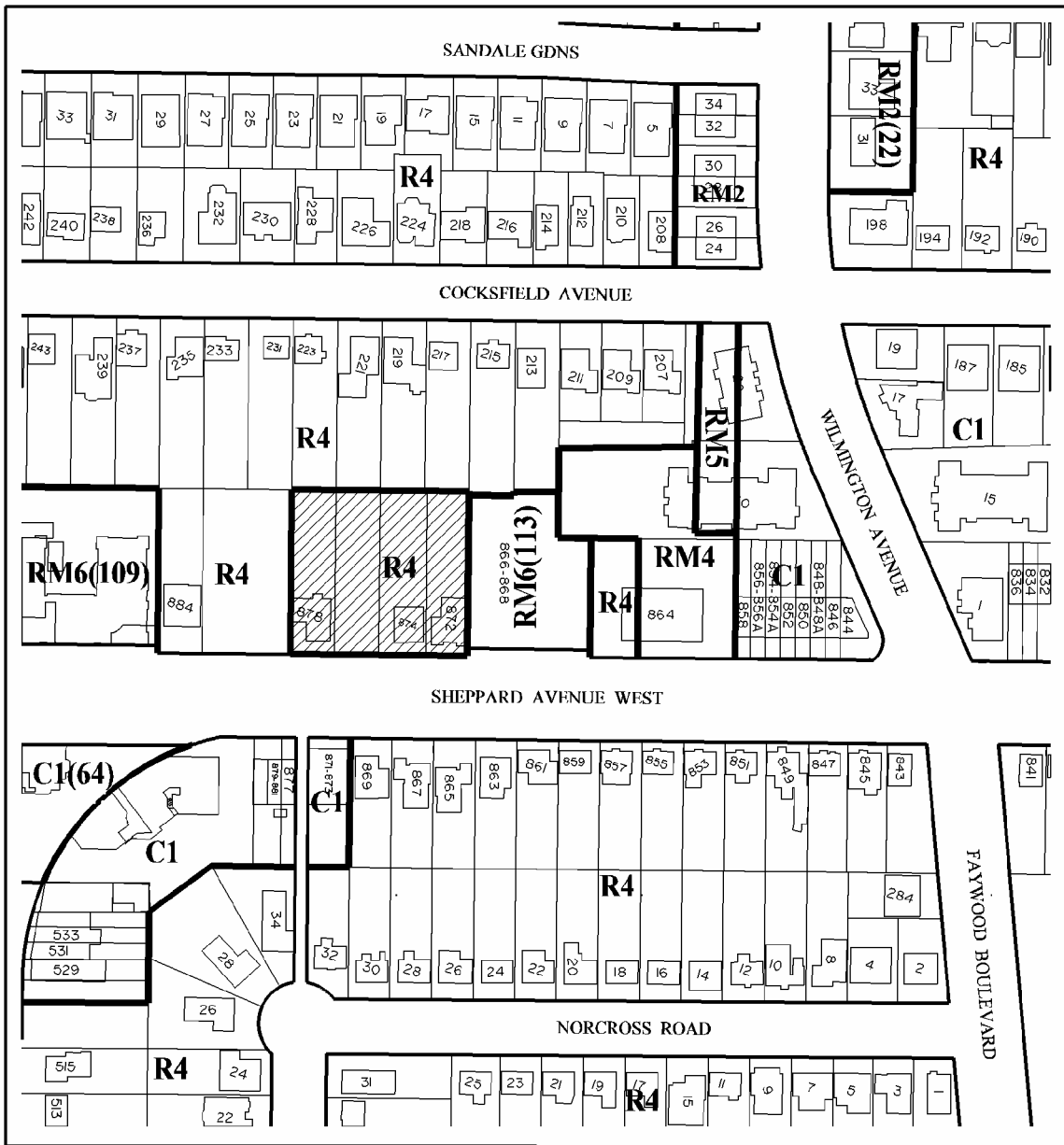
Applicant's Submitted Drawing

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01/19/07

872-878 Sheppard Avenue West

File # 05_212039

Attachment 3: Zoning



Toronto City Planning Division
Zoning

872-878 Sheppard Avenue West
 File # 05_212039

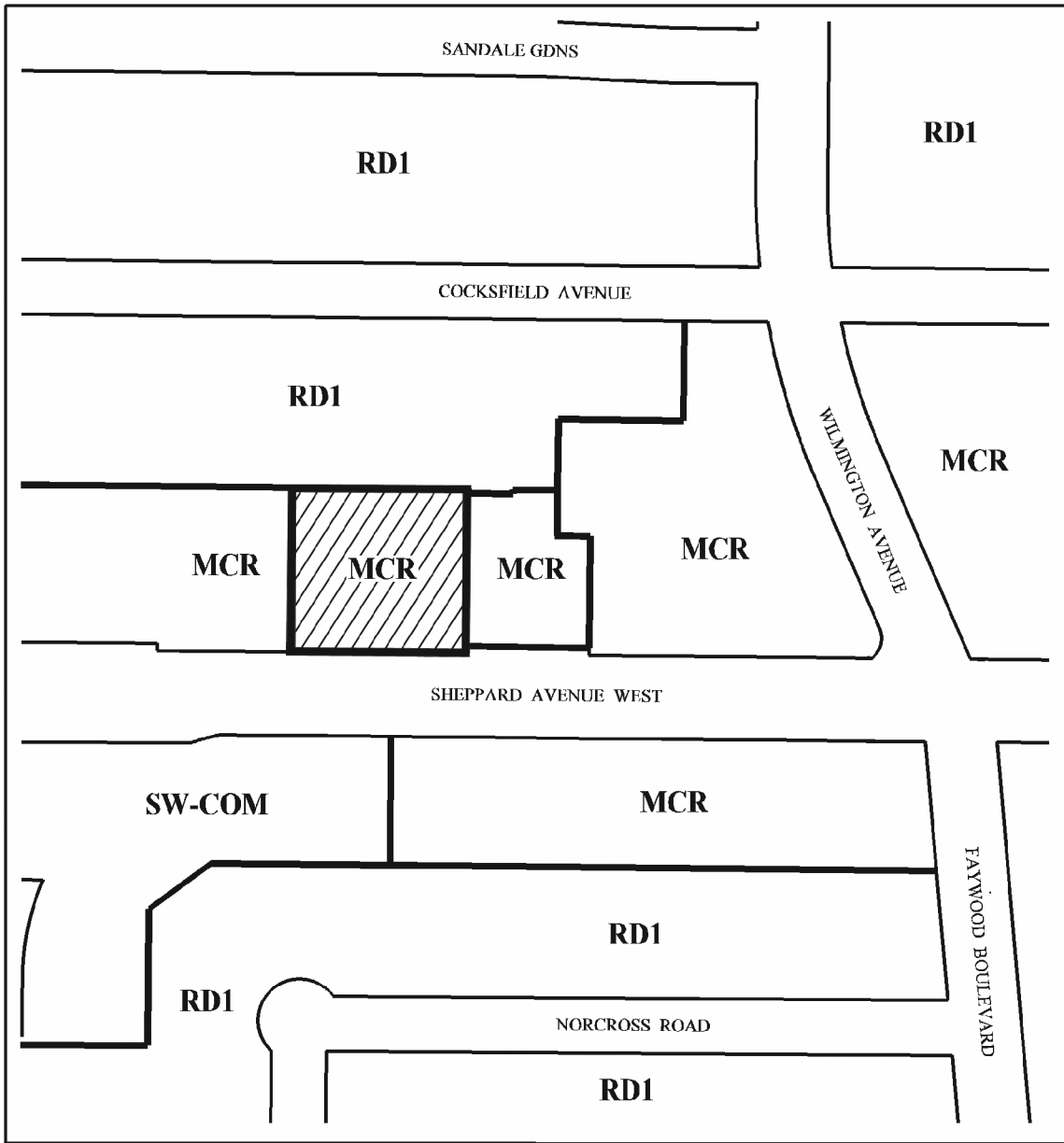
R4 One-Family Detached Dwelling Fourth Density Zone
 RM2 Multiple-Family Dwellings Second Density Zone
 RM4 Multiple-Family Dwellings Fourth Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone
 NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

C1 General Commercial Zone



Not to Scale
 Zoning By-law 7625
 Extracted 01/10/07

Attachment 4: Official Plan



Toronto City Planning
Official Plan

872-878 Sheppard Avenue West

File # 05_212039

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



Not to Scale
 North York Official Plan
 Extracted 04/13/06

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 212039 NNY 10 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 23, 2005

Municipal Address: 872-878 SHEPPARD AVE W, TORONTO ON
 Location Description: PLAN 3103 E 10 **GRID N1003
 Project Description: Eight Storey Mixed Use Condominium Apartment Building

Applicant:	Agent:	Architect:	Owner:
206784 Ontario Limited (Nick Sampogna)	Kregg Fordyce Architect	Kregg Fordyce Architect 108-20 Leslie Street Toronto, ON M4M 3L4	206784 Ontario Limited (Nick Sampogna)

PLANNING CONTROLS

Official Plan Designation: <i>Mixed Use Areas</i>	Site Specific Provision:
Zoning: R4	Historical Status:
Height Limit (m): 8.8	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	3912	Height:	Storeys:	8	
Frontage (m):	64.72		Metres:	24.5	
Depth (m):	60.5				
Total Ground Floor Area (sq. m):	900				Total
Total Residential GFA (sq. m):	11418		Parking Spaces:	156	
Total Non-Residential GFA (sq. m):	303		Loading Docks	1	
Total GFA (sq. m):	11721				
Lot Coverage Ratio (%):	32.2				
Floor Space Index:	3				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	13
2 Bedroom:	106
3 + Bedroom:	1
Total Units:	120

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	11418	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	303	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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

Attachment 6: Draft Official Plan Amendment

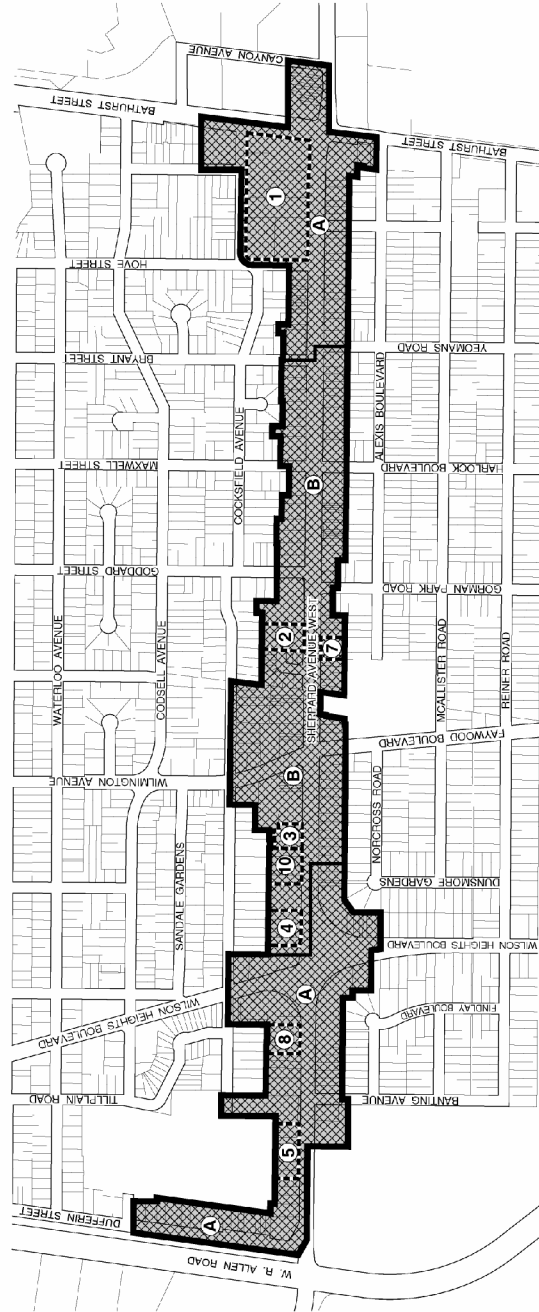
PROPOSED AMENDMENT No. 33 TO THE CITY OF TORONTO OFFICIAL PLAN

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

1. Map 23-1, Consolidated Land Use Map, of Chapter 6, Section 23 (Sheppard West/Dublin Secondary Plan) is amended by adding the lands known municipally in 2007 as 872-878 Sheppard Avenue West as a Site and Area Specific Policy Area 10, as shown on the attached Schedule “A”.
2. Chapter 6, Section 23 (Sheppard West/Dublin Secondary Plan) is amended by adding the following to Section 4.0 (Specific Policies):

‘4.10 872-878 Sheppard Avenue West (10 on Map 23-1)

An apartment building with grade related non-residential uses having a maximum density of 3.0 times the lot area and a maximum height of 8 storeys and 24.5 metres is permitted.’



Not to Scale

Toronto City Planning Division
Official Plan Amendment - Schedule "A"
872-878 Sheppard Avenue West
 File # 05_212039

Map 23.1, Sheppard West / Dublin Secondary Plan Consolidated Land Use Map of Chapter 6, Secondary Plans,
 23. Sheppard West / Dublin Secondary Plan is amended by adding Site and Area Specific Policy Area 10

August 2007

- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ② Site and Area Specific Policy Areas