

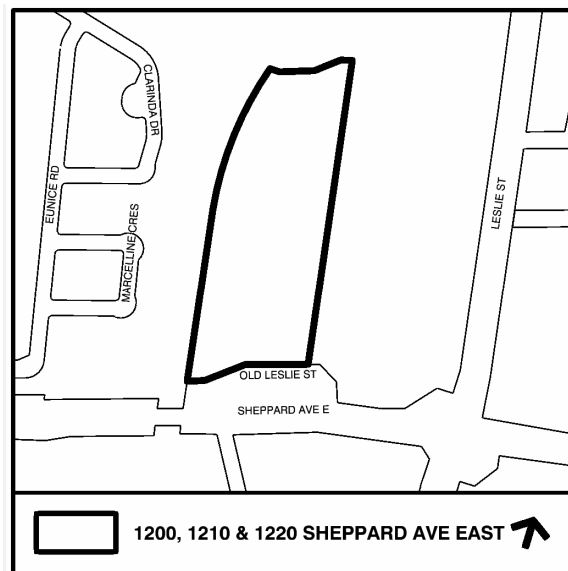
1200, 1210, 1220 Sheppard Avenue East – Official Plan and Zoning By-law Amendment Application – Request for Direction Report

Date:	April 4, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	11 331945 NNY 24 OZ

SUMMARY

At its meeting of June 8, 2012 City Council adopted a staff report recommending refusal of an application to amend the Official Plan and Zoning By-law for 1200, 1210 and 1220 Sheppard Avenue East for six new residential buildings with 2,098 units, an FSI of 5.5 and the retention of two existing office buildings at the rear of the site. The application was refused on the basis that the site layout and built form did not provide for a cohesive community, that the proposed density represents an over intensification of the site and did not comply with Secondary Plan policies respecting the location of employment uses. The applicant appealed Council’s refusal to the OMB. At an OMB pre-hearing on November 22, 2012 the applicant presented a revised proposal which eliminated one tower, reduced the unit count to 1,793, the floor space index to 4.8 and included a new public street. Under the *Planning Act* a municipality has 60 days to respond to a revised application.

This report recommends that the City Solicitor, City Planning staff, any other appropriate staff and outside experts as the City Solicitor may determine are required attend the Ontario Municipal Board



Hearing in opposition to the appeal. The OMB hearing has been scheduled for June 10, 2013.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the appeal of the Official Plan and Zoning By-law Amendment application for 1200, 1210 and 1220 Sheppard Avenue East, attend the Ontario Municipal Board hearing in opposition to such appeal, and retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. Staff be authorized to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
3. City Council direct the City Solicitor to request the OMB, in the event the OMB allows the appeal that:
 - a. community benefits pursuant to Section 37 of the *Planning Act* be secured which include funding for a new community centre facility and a library similar to the contributions received as part of recent rezonings in the Sheppard East Subway Corridor Secondary Plan area;
 - b. prior to the issuance of the second building permit for a new building on the site that the refurbishment of the proposed retained office buildings at the north end of the site and the recommended additional commercial office space at the south end of the site be completed to a stage that is satisfactory to the Chief Planner;
 - c. the applicant is to file an application for Subdivision Approval and that the Ontario Municipal Board withhold its Order until the City approves the application for Subdivision Approval; and,
 - d. the application be subject to the conditions of the Toronto Region Conservation Authority contained in their letter dated February 8, 2013 and the conditions of Urban Forestry Ravine & Natural Feature Protection contained in their memorandum dated February 27, 2013.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of June 8, 2012 City Council refused the subject application. City Council authorized staff to enter into discussions and work with the applicant on a revised proposal. The applicant did not pursue this option and on June 20, 2012 appealed to the OMB.

The first OMB pre-hearing was held on November 22, 2012 where the applicant presented a revised development proposal directly to the OMB and did not pursue the option of entering into discussions with staff on a revised proposal. The second OMB pre-hearing has been set for May 9, 2013 immediately after the City Council meeting of May 7 and 8, 2013 where the recommendations of the North York Community Council on this application will be considered. The OMB Hearing has been scheduled for June 10, 2013.

ISSUE BACKGROUND

Proposal

The 4.8 hectare (12 acre) site, including valleylands, presently contains three office buildings. The development proposal is to demolish one office building at the south end of the site and add 163,992 m² in five residential buildings with retail and office at grade and a private open space area. Two of the existing office buildings (1210 and 1220 Sheppard Avenue East) with 27,638 m² gross floor area are retained for a total of 194,249 m² on the site.

The applicant proposes to provide a main access to the site by extending Old Leslie Street into the site. It is to be a public street with no underground parking beneath it. A driveway at the easterly end of the property off Old Leslie Street will provide resident and servicing access to the underground parking structure.

Five residential buildings are proposed. They range in height from 21 to 39 storeys and have base buildings which are 6 to 8 storeys in height. There are a total of 1,793 residential units. A total of 2,619 m² of retail and office space is proposed in the 1 and 2 storey retail building and in the bases of the tall buildings. A 0.89 hectare private central open space is provided.

The proposed development is providing 3,055 parking spaces which includes 602 parking spaces for the existing office uses retained on the site. There will be 2,453 spaces for the new residential and retail uses. There will be 180 spaces for visitors. The chart below compares the original application with the revised submission.

	2011 Application	2012 Revised Submission
Site Area	48,064 m ² (incl valleylands) 40,553 m ² (excl valleylands)	same
Proposed GFA	192,810 m ² residential 26,138 m ² retained office 3,141 m ² new retail & office Total 222,089 m ²	163,992 m ² residential 27,638 m ² retained office 2,619 m ² new retail & office Total 194,249 m ²
Unit Count and Bedroom Type	2,098 total	1,793 total 1 bdrm, 1 + den, 2 bdrm 696 39% 2+ den 3 bdrm 989 55% 3+ den 108 6%
FSI	5.5 Gross	4.8 Gross
Heights	6 residential bldgs 27, 27, 34, 39,39,43 storeys 1210 Sheppard 8 st 1220 Sheppard 4 st	5 residential bldgs 21, 27, 39, 39, 39 storeys 1210 Sheppard 8 st 1220 Sheppard 4 st
Private Central Open Space	1,800 m ² 0.18 ha (.44 ac)	3,605 m ² 0.36 ha (0.89 ac)
Parking	Proposed 3,082 visitors 210 New retail 112	Proposed 3,055 visitors 180 New retail 27

On March 26, 2013 the applicant submitted further revisions and these have been circulated to City Divisions and agencies for comments. The revisions have not yet been reviewed and are not part of this report.

Site and Surrounding Area

The total site area, including valleylands is 4.8 hectares and is rectangular in shape with a depth of 400 metres. The net site area, excluding the valleylands is 4.05 hectares. The site is prominent and visible from Highway 401, Sheppard Avenue and Leslie Street. Due to the rail corridor on the west and the steep slopes downward to the Don River valleylands on the east, the site is isolated with one existing street connection and one informal path connection to the ravine at the north end. There are presently three office buildings on the site which range in height from four to eight storeys and have both underground and surface parking. Vehicular access is provided via a driveway from Old Leslie Street.

The abutting uses include:

North: Don River Valleylands, Clarinda Park and low density neighbourhood

South: Sheppard Avenue East, Leslie TTC Subway Station, Mixed Use development (Concord Adex and Canadian Tire)

East: East Don River valleylands, Villaways Park, Leslie Street and low density neighbourhood

West: CN rail line and low density neighbourhood

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

Section 3.3 of the Official Plan (Building New Neighbourhoods) outlines a comprehensive framework for planning new neighbourhoods to ensure that they function as communities and not just housing. This planning framework includes consideration of the pattern of streets, blocks and open space, the mix and location of land uses and building types and a strategy to provide parkland and community services.

The policy states that for new neighbourhoods to be viable communities they need a focal point, a fine grain of interconnected streets and pedestrian routes that define development blocks, high quality parks and open spaces and services that meet the needs of residents, workers and visitors.

New neighbourhoods are to be integrated into the surrounding fabric of the City with good access to transit, good connections to surrounding streets and open spaces, and uses and building scales that are compatible with surrounding development. The Official Plan provides that a full range of housing in terms of form, which include townhouses, mid-rise and tall buildings be provided across the City and within neighbourhoods.

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation indicates that in order to provide a more liveable Greater Toronto Area, future growth will be steered to areas which are well served by transit, the existing road network and where there is redevelopment potential. One such area for growth is 'Avenues' and an 'Avenues' overlay applies to the southern portion of the site. The objective of directing growth to an 'Avenue' is to concentrate jobs and people in areas well served by transit. Mixed use development is promoted in 'Avenues' to increase the opportunity for living close to work.

The subject lands are designated *Mixed Use Areas* which provides for a broad range of commercial, residential and institutional uses. Section 4.5.2 indicates that development in Mixed Use Areas will create a balance of these uses that helps to reduce automobile

dependency, provides new jobs and homes for Toronto's growing population and creates sustaining employment opportunities. Development in *Mixed Use Areas* is to take advantage of nearby transit services. Development in *Mixed Use Areas* is to provide an appropriate transition between areas of different intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly toward lower scale *Neighbourhoods*.

The Official Plan also includes policies to ensure that new development enhances the quality of the public realm as well as providing policies on public realm and built form matters. Section 3.1.1 includes policies for the layout and design of new streets and parks. These policies speak to the need to provide public streets and provide direction respecting their role, design and function including the role of new streets and open spaces to improve the visibility and prominence of natural features. The built form policies establish a framework dealing with the relationships between buildings and streets and parks as well as buildings and adjacent development and land uses. The policies provide principles for development including the location and organization of buildings and servicing, building massing and pedestrian amenities. The goals are to ensure that each part of a development fits with its neighbours, both existing and planned and provides acceptable impacts to adjacent streets, parks, open spaces and uses.

The "Design Criteria for the Review of Tall Buildings" was adopted by City Council to assist in implementing 3.3 Built Form and the Tall Buildings sections of the Official Plan. It is noted that tall buildings come with a "larger civic responsibility and obligation than other buildings." Guidelines are provided for key areas of tall building design including promotion of slender buildings, appropriately scaled base buildings with height based on the width of the street. Direction is provided for building setbacks and separation distances between buildings.

The site contains and is adjacent to a 'Natural Heritage Area' identified on Map 9 and an Impact Study to evaluate the development's impact on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system is required and is presently underway. The applicant has identified the TRCA staked limit of the top-of-bank of the East Don Valley ravine as located within the eastern edge of subject lands. Policy 3.4.8 requires that development will be setback from the top of bank by at least 10 metres. Policy 3.4.9 states that land below the top-of-bank may not be used to calculate permissible density in the zoning by-law.

The subject development proposes a new neighbourhood, and Policy 3.2.2.6 requires an assessment of community services and facilities in order to inform the range of facilities needed to support the proposed development.

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan.

Sheppard Avenue East Subway Corridor Secondary Plan

The subject site is located within the 'Leslie Development Node' which is identified as an employment node and as providing opportunity to capitalize on transit accessibility at this location. The Secondary Plan contains a goal of balancing high quality new development to support transit infrastructure while protecting neighbourhoods.

The site is identified in the Secondary Plan as a 'Key Development Area' and the lands are designated as *Mixed Use Area* with a density of 2.5 FSI. Site specific policies require that office uses, or some other employment generating use be retained at the south end of the lands to reinforce the employment role of the Leslie Node.

The site is identified as a former waste disposal site and an Environmental Site Assessment (study of soil and environmental conditions) is required. The site is adjacent to a CN rail line and adequate studies to assess noise abatement and vibration control as well as setbacks from the rail line and safety measures are also required.

The Secondary Plan contains built form policies to guide future development in Key Development Areas. These include:

- The creation of a street and block pattern to serve development, which establishes a network and is designed and built to public standards
- The building of public streets which provide addresses and access for development sites and breaks sites into appropriately scaled development parcels
- Buildings are to highlight vista terminations where appropriate
- Generally buildings are to be aligned along streets to provide street definition and street enclosure
- Sheppard Avenue Streetscape Master Plan to be implemented
- Building height and massing is to result in an appropriate amount of shadowing and wind effects on the site
- Minimize the loss of skyview and shadow impacts on parks
- Development will respond sensitively to the nearby low density residential uses and minimize adverse impact of built form on these areas
- Height and massing of buildings should ensure a proper response to pedestrian scale
- A minimum acceptable transition in scale is defined as a building height not exceeding the horizontal distance separating the building from the nearest low density residential property line
- generally buildings should be designed with a maximum height based on a 1:1 height to street width ratio
- A planning tool to create a Context Plan for the area is recommended for sites such as the subject development. A Context Plan will review the relationship to adjacent streets, open space and development sites in order to provide a context for co-ordinated, incremental development

Subdivision

The application is proposing a public street. Engineering and Construction Services advises that a plan of subdivision application is required. An application for Plan of Subdivision approval has not yet been submitted.

Site Plan Control

Site Plan Control is applicable and an application has not yet been submitted.

Community Consultation

The local Councillor held two community consultation meetings on the original submission. On March 28, 2012 approximately 15 executives of area ratepayers associations were in attendance to hear the applicant's presentation of their original proposal. On April 18, 2012, a community wide meeting was held with approximately 200 residents in attendance.

On February 28, 2013, the local Councillor held a meeting with 30 executives of the ratepayers associations where the applicant presented the revised proposal. A further community wide meeting was held on March 19, 2013.

As well, over 150 e-mails from residents identifying issues on both the original and the revised proposal have been sent to Planning staff.

The Bayview Village Association has set out their opposition to and their concerns with both the original and revised development proposals in two letters respectively, dated May 8, 2012 and February 28, 2013. They have been granted party status at the upcoming OMB Hearing and have retained a solicitor and a planner as an expert witness. The Bayview Village Association has asked to be included in any settlement discussions with the applicant and have indicated they would be supportive of settlement discussions taking place.

The following summarizes input from residents:

- Too much intensification is proposed
- The combined effects of all the development along Sheppard Avenue between Bayview Avenue and Leslie Street have resulted in significant density in the corridor creating severe traffic congestion, for example Bayview and Sheppard is one of the top 10 worst intersections for congestion in the City
- The theory of acceptable Traffic Studies versus the reality on the ground for residents
- Traffic Studies should include an analysis of week end traffic due to the region-wide draws of IKEA and Canadian Tire
- Too much density and height, visual impact, tall buildings dominate the skyline
- Shadow impacts on single detached homes to the west and the ravine and the neighbourhood to the east

- Overview by tall buildings into homes and backyards to the west
- North side of Sheppard historically has had less development, 20 storeys maximum, should maintain this trend
- Don Valley is a migratory route for birds and tall buildings pose a threat
- When is the office refurbishment planned to be undertaken?
- Will the amount proposed to be spent on office refurbishment result in viable office buildings?
- Monitor service impacts in terms of storm water, sewage and hydro capacity
- the applicant was asked that if there were settlement discussions whether the Bayview Village Association could be part of those discussions

COMMENTS

The refusal report dated April 27, 2012 from City Planning, North York District respecting the application at 1200, 1210 and 1220 Sheppard Avenue East set out applicable policies and principles contained in the Official Plan, the Sheppard East Subway Corridor Secondary Plan and the Tall Buildings Guidelines. The application has been revised and is reviewed in the context of those policies and principles. The subject site is identified as a key development area in the Secondary Plan and is appropriate for development however, in the opinion of staff the application cannot be supported in its current form. The proposal requires further changes in order to meet the policies and principles summarized in this section.

Building a New Neighbourhood

As described above, policy 3.3 of the Official Plan, Building New Neighbourhoods outlines a comprehensive framework for planning new neighbourhoods to ensure they function as communities and not just housing. Policies contained in section 3.3.1 are to ensure that new development enhances the quality of the public realm and addresses public realm and built form matters.

The applicant's proposal is to construct over 1,700 dwelling units on a site that is currently isolated by the CN rail corridor on the west and the Don River valleylands to the east and north. The lands do not front directly onto Sheppard Avenue but rather onto Old Leslie Street which functions as the access for this property. There is no formal access to the ravine from the property although there is one informal access at the north end behind the existing office building. Significant development is proposed for this site which will result in the creation of a new neighbourhood with 1,793 dwelling units and an expected population of 4,000 and a cohesive, complete new community should be designed in accordance with policy 3.3 Building New Neighbourhoods.

Streets/Pedestrian Realm/Circulation

City streets are a significant public open space that serve pedestrians, cyclists and vehicles. The original application proposed private streets and driveways with

underground parking and provided no public streets. It proposed a network of private streets and driveways that was not efficient and resulted in a large amount of paved area at the expense of a safe, comfortable and attractive public realm. A better designed pedestrian circulation system would provide improved access to transit and result in a community where it is comfortable and safe to walk to and from the subway station. There were no walkways through the development providing connections and accesses to the ravine.

The revised application shows Old Leslie Street being extended approximately 180 metres into the site to form a main street for the proposed development. It is to be a public street without underground parking beneath it. The location and configuration of the proposed public street contributes to the creation of a complete community.

The amount of space devoted to private streets and driveways has been reduced in the revised application. The street layout, however could be further revised to improve pedestrian circulation and access to transit, reduce the amount of space devoted to driveways for more efficient access and more room for landscaped open space. This would create better relationships between the buildings and between the buildings and the open space elements to create a community that is connected by the private streets and driveways as well as the public street.

The original and revised proposals provide no walking trails with access to the ravine. Walking trails located along the west and north sides of the property that provide a connection to the ravine at the north east end of the property and along the east side that provides a connection to the existing staircase at the south end of the property should be provided. The walking trails will be close to the top-of-bank and are to be designed to the satisfaction of TRCA and Urban Forestry.

Open Space

The Official Plan calls for open space in new neighbourhoods which can function as a community focal point. The original application proposed 1,800 m² of grade related and publicly accessible private open space.

Staff commented that the open space was inadequate for a development of this scale, was not centrally located, was separated from development blocks by a private road system and would not function well as a community focal point.

In the revised application the open space has been enlarged from 1,800 m² to 3,600 m². However, it remains located at the western edge of the site, closer to the CN rail line and is separated from the development blocks by driveways. The open space is also disconnected from the ravine/open space system. Buildings are sited along the eastern frontage of the open space which 'privatizes' the ravine edge.

The Official Plan indicates that open space and parks are to connect and extend existing natural areas. For this application, locating the park adjacent to the ravine as well as

adjacent to the new street would improve the visibility, access and prominence of the existing natural area. The application should be revised to further enlarge the open space and locate it with one side of it fronting onto the public street and one side onto the ravine edge. This would provide an organizing element for the new neighbourhood, would reduce separation from the development blocks, reduce the amount of hard surface in the development and would improve visibility and access from the site to the open space. This revision would enable the open space to better function as a community focal point and provide for unobstructed views from the open space to the ravine. The open space at the southwest portion at Old Leslie Street is an appropriate location for public art.

Blocks

The original application proposed six tall buildings sited along the length of the property which were not organized into appropriately scaled development blocks to create a cohesive neighbourhood. The revised application eliminated one tall building and the low rise commercial building adjacent to the rail line which allowed for the creation of potentially appropriately scaled development blocks. However, the proposed block layout needs further changes to better organize the tall buildings and open space on the site to create a better neighbourhood design with buildings sited to frame the edges of streets and open spaces and to reduce the amount of hard surfaces devoted to private streets and driveways.

In order to create a cohesive community the site should be organized into three blocks. There should be a mixed use block at the Old Leslie frontage to locate development closest to transit and to be visible on Sheppard Avenue. A large centralized open space should be provided fronting onto the public street and the ravine edge. A lower scale mixed use block should be provided at the rear of the site comprised of the proposed two retained office buildings and a mid-rise residential building. With a revised block layout, the internal street system will be improved and would reduce the amount of hard surfaces devoted to driveways.

Range of Housing

The original and the revised applications provide only apartment dwelling units. Policy 3.2.1.1 provides that a full range of housing across the city and within neighbourhoods is to be provided to meet the current and future needs of residents. As well, the New Neighbourhoods policy indicates that developments such as this are to have a housing mix that contributes to the full range of housing. The revised application does not provide any ground related units. To address this ground floor residential units in the base of buildings possibly in a townhouse form should be included in the development proposal. Townhouse blocks and mid-rise residential buildings could be provided to contribute to the mix of housing types, animate street edges, improve safety and contribute to a more complete neighbourhood.

The unit sizes do not appear to provide a sufficient amount of units of a size suitable for families. As was achieved in the Concord Adex development south of Sheppard Avenue,

the application should be revised to include a minimum of 10% of the proposed dwelling units at a minimum size of 93 m² (1,000 ft²). Providing larger dwelling units which could be suitable for households with children accommodates a more diverse range of households which contributes to the development of a complete community.

Mix of Uses

The development proposal does not meet the Secondary Plan requirement that employment uses be maintained at the front of the site. Employment uses would be visible, accessible and closer to transit at the front of the site. The proposal is to demolish the office building at the front of the site and retain and refurbish the two office buildings at the rear. This is discussed further in the next section.

Land Use

There are three existing office buildings on the site which includes 1200 Sheppard Avenue with 11,335 m² located at the front (south end) and 1210 and 1220 Sheppard Avenue with 27,638 m² located at the rear (north end) of the site. The proposal is to demolish 1200 Sheppard Avenue at the south end of the site and replace it with 99,290 m² of residential development and 1,831 m² of retail and office development. The two existing office buildings at the rear of the site (1210 and 1220 Sheppard Avenue) are to be retained and refurbished.

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation indicates that in order to provide a more liveable Greater Toronto Area, future growth will be steered to areas which are well served by transit, the existing road network and where there is redevelopment potential. One such area for growth is 'Avenues' and an 'Avenues' overlay applies to the southern portion of the site. The objective of directing growth to an 'Avenue' is to concentrate jobs and people in areas well served by transit. Mixed use development is promoted in 'Avenues' to increase the opportunity for living close to work.

The subject lands are designated *Mixed Use Areas* which provides for a broad range of commercial, residential and institutional uses. Section 4.5.2 indicates that in *Mixed Use Areas* development will create a balance of these uses that helps to reduce automobile dependency, provides new jobs and homes for Toronto's growing population and creates sustaining employment opportunities. Development in *Mixed Use Areas* is to take advantage of nearby transit services.

Sections 2.2 and 4.5.2 described above support the policy in the Sheppard East Subway Corridor Secondary Plan which identifies the Leslie Node as an employment development node, providing opportunities based on the transit accessibility at this location which includes the TTC subway and GO Transit. Employment uses already exist or are planned in this node and include the three office buildings on the subject site, North York General Hospital, Canadian College of Naturopathic Medicine, the approved Canadian Tire Head Office and a number of office buildings along Sheppard Avenue which accommodate medical services.

The Sheppard East Subway Corridor Secondary Plan contains a policy regarding employment use that applies specifically to the subject site. Policy 4.2.5 provides for mixed use development but requires the retention of office uses, or some other employment generating use at the south end of the site. The proposed application is to demolish the existing 11,335 m² office building at the front of the site and replace it with two residential buildings containing 34,019 m² gross floor area and 306 m² of retail commercial gross floor area. The applicant's proposal does not meet the Secondary Plan policy which requires the retention of office or other employment generating use at the south end of the site in order to be close to Sheppard Avenue and to transit.

In the report dated April 27, 2012, Staff identified the removal of the office building at the front of the site as contrary to the Secondary Plan policy and questioned the viability of the two office buildings proposed to be retained at the rear of the site which is to be separated from Sheppard Avenue by a large residential development.

In response, the applicant had an Employment and Fiscal Impact Analysis prepared by Malone Given Parsons which concluded that the office buildings retained and refurbished at the rear of the site would be viable. This opinion was based on a chronically much higher vacancy rate for the building to be demolished than the two to be retained and that visibility on a major street is no longer as important today with the use of the internet. The applicant's analysis indicated the proposed refurbishment would contribute to the future viability of the retained office buildings.

The City retained an Urban and Real Estate Economic consultant, Frank Clayton to undertake a Peer Review of the applicant's report. The Peer Review identified significantly different vacancy rates, including a lower vacancy rate for the building to be demolished, and disagreed with the contention that visibility on a major street is not important to the viability of office uses. The Peer Review indicated that the proposed refurbishment would not assure the viability of the retained office buildings.

The Secondary Plan requires that employment uses be located at the south end of this site to be close to Sheppard Avenue and transit. The development proposal locates almost all the employment use at the rear of the site. Staff have questioned the viability of these office buildings at this location which is separated from Sheppard Avenue by a large residential development. The development proposal should be revised to include a significant component of office space at the Sheppard frontage. Sheppard Avenue commercial office space would signal that this is a mixed use development with a significant office/commercial focus.

In order to ensure that the proposed refurbishment of the two retained office buildings at the back of the site occurs, it is recommended that the refurbishment and the recommended additional commercial floor space at the front of the site be constructed in the earliest phase of this development.

Relationship to Surrounding Areas

The subject site is located on the north side of Sheppard Avenue and has a long narrow configuration with a 100 metre frontage and a 400 metre depth. The site is close to the low density neighbourhood to the west and yet at the same time is isolated from the surrounding uses by the CN rail line, Old Leslie Street, the steep grade between the property frontage and Sheppard Avenue and the ravine lands to the north and east. A low density residential neighbourhood is located to the north east across the ravine and another low density neighbourhood is located to the east of the ravine and across Leslie Street. The site is visually prominent from Highway 401, Sheppard Avenue and Leslie Street and the surrounding neighbourhoods.

Policies 2.3.1.2 Healthy Neighbourhoods and 4.5.2 (c) Mixed Use Areas noted above call for a transition in scale between areas of different development intensity. Transition is achieved when new development is massed to fit harmoniously into its existing or planned context and limits impacts on adjacent uses by providing for adequate light and privacy and adequately limiting shadows.

The original proposal contained six tall buildings and a 2-storey retail building. The revised proposal shows five tall buildings and eliminates the low rise retail building. Three tall buildings are still proposed at the eastern edge of the property adjacent to the ravine with two at 39 storeys and one reduced from 43 to 39 storeys. The height of the westerly tall building at the Sheppard frontage has been reduced by seven storeys from 34 to 27 storeys. The open space at the western edge of the site has been enlarged. One 27 storey building at the western, rear portion of the site has been eliminated and the remaining building has been reduced in height by six storeys from 27 to 21 storeys. Both the original and revised proposals appear to meet the Secondary Plan criteria of a 1:1 relationship or 45 degree angular plane to the adjacent low density residential property line.

The revised plan however is not acceptable in terms of providing a transition to the surrounding neighbourhoods and minimizing shadow impacts on the neighbourhoods and the ravine. Three buildings of 39 storeys are proposed at the eastern edge of the property at the ravine edge. Only one of these buildings has been lowered in height from 43 storeys to 39 storeys which does not meaningfully lessen the shadow impact. The building heights of 39 storeys are the highest proposed in the Secondary Plan. Lower building heights and fewer buildings would lessen the shadow impacts and improve the transition to surrounding uses.

Shadowing

The development proposes five new residential buildings. Three of the buildings are sited at the edge of the ravine on the east side of the property and are each 39 storeys (270 metres) in height. The remaining two residential buildings are located in the centre of the site with one at the Old Leslie frontage which is 27 storeys (187 metres) in height and one at the rear of the site which is 21 storeys (145 metres) in height.

The shadow impacts on the low scale neighbourhoods to the west and the east indicate that some of the proposed tall buildings need to be spaced further apart or eliminated. The shadows on the neighbourhood to the northeast have improved through the reduction in height of the building at the western, rear portion of the site by six storeys from 27 to 21 storeys in terms of shadow impacts in the winter.

The proposed buildings have been reviewed against the Tall Building Guidelines. The Tall Building Guidelines provide for the combination of small floor plate size, separation distance and building siting to minimize shadow impacts on adjacent uses. While the individual buildings meet the details of the Tall Building Guidelines they do not achieve the goal of the guidelines which is to ensure that shadows that are created minimize impacts by being thin and passing quickly. Although the building floorplates are 750m² and the minimum building separation distances of 25 metres are met, because the towers are 'checkerboarded' on the subject site the shadows mass together and form a large connected shadow. The shadows in the morning on the neighbourhood to the west are still unacceptable under the revised application. The shadows in the afternoon on the Betty Sutherland trail in the ravine and on the neighbourhood to the east are also unacceptable.

Under the revised application the low density neighbourhood to the west is still shadowed in the morning period at the equinox. The shadows on the neighbourhood to the north east are somewhat less in the winter due to the reduced height of the 27 storey building to 21 storeys under the revised application. The shadows on the neighbourhood to the east occur in the afternoon at the equinox and are not meaningfully improved by the revised application. The location, orientation and height of buildings should be revised as part of any approved development.

Built Form and the Ravine

The original application sited two tall buildings with a connecting 8 storey base building and a third tall building at the Old Leslie frontage along the eastern edge of the property. The revised application also proposes three tall buildings along the edge of the ravine but has eliminated the 8 storey base building. The current building configuration provides only limited views from the street and the open space and the ravine loses its prominence, visibility and access. The applicant's proposal 'privatizes' this shared public amenity. The development should be organized into the three components described under Building New Neighbourhoods which reorganizes and locates the central open space in an east-west orientation at the ravine edge and provide a larger area for public views of the ravine from the open space and the new street. The elimination of one of the three proposed towers along the eastern edge of the site would provide for a central open space which would enhance and make the ravine lands visibly accessible. Removing a building would also provide for greater separation between buildings and lessen the shadow impacts on the surrounding neighbourhoods.

Base Buildings and Setbacks

The revised application lowered the heights of base buildings in the interior of the site to 6 storeys but maintained 8 storeys along the Old Leslie frontage. As part of a revised proposal for the Sheppard frontage, which includes the office uses, the 8 storey base should be lowered to fit with the 6 storey base provided for in the Secondary Plan on Sheppard and to reduce interior shadows on the site.

The original application proposed tall buildings with insufficient setbacks from Old Leslie and from the new public street. The setbacks in the revised proposal are still insufficient to deal with landscaping and to provide a transition between private and public spaces. Tall buildings with 6 storey base buildings should be located within the larger mixed use component located at the front of the site at Old Leslie Street. Building setbacks from Old Leslie Street, the new public street and private streets should be 5 metres to deal with grade changes and achieve landscape settings for ground floor uses such as retail, amenity, lobbies or grade related townhouse units in the base of tall buildings.

The Secondary Plan provides for building heights of six storeys at Sheppard Avenue with step backs of 5 metres for taller buildings located behind. The application should be revised to reflect this built form at the Old Leslie/Sheppard frontage.

Density

The Sheppard East Subway Corridor Secondary Plan was prepared in anticipation of the development of a subway line extending from Yonge Street to Don Mills Road. With an extensive planning review, in consultation with property and owners and residents, a planned context with appropriate densities was set out for the area. The densities provide for intensification and redevelopment to support the Sheppard subway while protecting low density stable neighbourhoods. The Plan provides for a density of 2.5 FSI.

The proposed density is 4.8 FSI and the density calculation has been revised to exclude the areas below top of bank as directed by the Official Plan policy. The applicant advises that density has been calculated in accordance with the definition contained in the former City of North York Zoning By-law 7625 and the new Toronto Zoning By-law which requires that all mechanical, lobbies, hallways and staircases be included as gross floor area. The proposed density has been lowered from 5.5 to 4.8 FSI in the revised plan by deleting one residential building and one commercial building.

The proposed density of 4.8 FSI is not within the range of approved densities in the Sheppard Secondary Plan area which are generally between 1.5 FSI and 3.5 FSI. City Council has approved increases to the permitted density in some locations where the proposed development was appropriate and impacts could be satisfactorily mitigated. The proposed density of 4.8 FSI results in an over intensification on this site. A revised development proposal that addresses the street, block and open space layout and

transition to surrounding neighbourhoods as discussed in this report will result in reduced density on the site.

Context Plan

The subject site is situated on the north side of Sheppard Avenue within the Leslie Development Node. It is 4.8 ha (12 acres) in size and the proposal is to create a new neighbourhood with 1,793 units resulting in approximately 4,124 new residents. The Secondary Plan indicates that for large developments, Context Plans may be required for the entire block on which the development is located. Context Plans are to provide a framework for the co-ordinated development of roads, parks and open space, building heights and massing and a strategy for the provision of community services and facilities. The Context Plan sets out the vision for the community and will set the direction for the site specific Official Plan and Zoning By-law amendments, the provision of parkland, the plan of subdivision, provision of community benefits and site plan applications for this development.

The applicant has prepared a Context Plan for this portion of the Leslie Node. The Context Plan does not adequately illustrate how this new neighbourhood will develop in an acceptable way. Revisions are required to the Context Plan which include the following matters:

- streets, parks, on-site open space and ravine lands comprise the public realm in the area and a Context Plan is to set out the location, dimensions and character of these elements
- the applicant's Community Services and Facilities Update Report is to be part of the Context Plan and is to be revised to identify growth related facilities needed in this portion of the Sheppard Corridor
- the development proposal is to revise the layout of the streets, blocks and open space and the location of land uses on the site, to provide views of the ravine and a high quality public realm

Parks

The parkland requirement for this development is 6,376 m² and Parks Forestry and Recreation comments that the applicant is to satisfy the parkland requirement through acquiring off site parkland that will contribute positively to existing parks within the area.

Since no public park is being requested, it is important that the private open space which is proposed be large enough and located to function as an organizing element of the development and a community focal point.

Transportation

At the western end of the site, access is provided via the proposed extension of Old Leslie Street. A second access is proposed at the eastern end of the site off Old Leslie Street into the underground parking garage. The elevation of the site combined with the grade and configuration of Old Leslie Street present a number of design constraints that will need to be resolved at the site plan stage.

The Old Leslie Street ramps and overpass provide this proposal with a unique free flow type access. These conditions provide access to the site with the typical congested conditions experienced at signalized intersections.

A Traffic Impact Study prepared by MMM Group dated December 2011 was submitted with the original application. An addendum dated December 6, 2012 and a letter dated February 13, 2013 have been submitted for the revised application. There are outstanding technical issues with these submissions. Transportation Services has advised that they will be surveying existing buildings along the corridor to confirm trip generation rates. The parking proposed is within the ranges provided for in the new Toronto Zoning By-law and is satisfactory.

Revisions to the planned development would have to be supported by a revised Traffic Impact Study.

Natural Heritage Area and Ravine Protection

The site contains and is adjacent to a 'Natural Heritage Area' identified on Map 9 in the Official Plan and shown on Attachment 3 to this report. The Betty Sutherland Trail is in the ravine lands directly to the east of the subject site and provides a pedestrian route through the ravine lands from Steeles Avenue in the north to the Betty Sutherland Park just south of Highway 401.

The north, east and south sides of the subject property are subject to the provisions of the Ravine & Natural Feature Protection By-law. The applicant has agreed to meet the requirements of TRCA as outlined in a letter dated February 8, 2013 and the requirements of Urban Forestry Ravine & Natural Feature Protection in a letter dated February 27, 2013 which includes:

- revisions to the Natural Heritage Impact Study to reflect discussions with the City on the location of pedestrian connections and valley views
- conveyance of the valley and 10 metre buffer area to the TRCA at no cost
- such lands to be designated Parks and Open Space and zoned Open Space, Natural Areas
- prepare and implement a Buffer Planting Plan, a Slope Remediation Plan and Ravine Stewardship Plan as detailed in the comment letters noted above
- submit revised plans which show the exact location of the ravine limit and include the Ravine By-law Note
- revise the Arborist Report and Tree Protection Plan to provide the correct minimum tree protection zones

The issue of shadows on the ravine has been raised and is addressed in the applicant's Natural Heritage Impact Study and Report Addendum dated December 6, 2012. The report cites the shadow study undertaken by Core Architects which shows shadows cast on the ravine between approximately 2:00 p.m. and 6:00 p.m. The report indicates that shadows cast by buildings do not block out all photosynthetically-active radiation during daylight hours and that vegetation being shaded will still receive sunlight necessary for growth. The report indicates that the dominant plant species in this area is shade tolerant. The applicant's Natural Heritage Impact Study Report has been accepted by City of Toronto Urban Forestry and the TRCA.

The Natural Heritage Impact Study is to be revised to reflect discussions with the City on the location of pedestrian connections and valley views. The proposed plan is to be revised to provide walking trails located along the west and north sides of the property for a connection to the ravine at the north east end of the property and along the east side for a connection to the existing staircase at the south end of the property. The walking trails in some locations will be close to the top-of-bank and are to be designed to the satisfaction of TRCA and Urban Forestry.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan.

Section 37 community benefits are to reflect the City's priority of providing public benefits within the local community in which the contributing development project is located.

The Sheppard East Subway Corridor Secondary Plan contains density incentives for the provision of specific uses and facilities and the gross floor area of such facilities are exempted from the calculation of density. The facilities identified include a public community centre, child care and social facilities and pedestrian connections to the subway stations. The Plan indicates that incentives are to be assessed on the basis of

individual development applications. The intent of the incentives is to secure growth related facilities in a timely manner.

A community facility containing a community centre, a library and daycare is proposed for the south side of Sheppard Avenue at Bessarion Road and to date is not fully funded. Section 37 benefits from applications within the Secondary Plan area have been directed toward this community need.

The subject application proposes an FSI of 4.8 whereas the Sheppard East Subway Corridor Plan permits a density of 2.5 FSI for this property. This is a significant increase in density over what is permitted for this site and a Section 37 contribution is appropriate. The contribution should be similar to the contributions received from other recent rezonings in the Sheppard Secondary Plan area.

The applicant's Planning Justification Report and Addendum Report indicates that there is no reasonable justification for the application of Section 37 community benefits to the development proposal at 1200, 1210 and 1220 Sheppard Avenue East. The applicant's position is that the permitted density of 2.5 FSI is unreasonably low and that the amount of development being proposed is not extraordinary but wholly appropriate in the context of the site's location, Mixed Use Area designation and municipal and Provincial objective to support transit.

The Sheppard East Subway Corridor Secondary Plan was prepared in anticipation of the development of a subway line extending from Yonge Street to Don Mills Road. The planning review consisted of consideration of the land uses and character of lands along the corridor, identified issues and options and ultimately set out a planned context for the area. There was extensive consultation with property owners and residents in the development of the Secondary Plan and in Context Plans for key development areas. The densities in the Sheppard Secondary Plan are based on planning review and public input and are intended to provide for intensification and redevelopment to support the Sheppard subway while protecting low density stable neighbourhoods. The approval of applications since the Plan's inception have generally maintained the permitted densities. City Council has approved increases to the permitted density in some locations where the proposed development was appropriate and impacts could be satisfactorily mitigated. In all applications involving increases in height and/or density appropriate Section 37 contributions have been made.

Section 37 community benefits are to be provided for this application and are to be calculated from the current permitted density of 2.5 FSI.

A general objective of the Sheppard East Subway Corridor Secondary Plan is the provision of sufficient community amenities to serve existing and future residents. The City undertakes Community Services and Facilities Reviews to identify priorities which serve as appropriate Section 37 benefits to be considered when planning for new growth.

The subject site is close to 5 hectares in area and the Official Plan requires that on large sites the applicant carry out a Community Services and Facilities Update. Updates identify growth related needs and are to supplement the City's reviews. With the Updates the City can identify community services and facilities and consider timing to meet the needs of the population that is to be served. Applicants are to consider more than the subject development application in the update.

The applicant's Community Services and Facilities Update Report and Addendum indicates that there is no shortage of facilities to meet the demand associated with the future population generated by the application at 1200, 1210 and 1220 Sheppard Avenue East.

Due to significant anticipated growth occurring on the south side of Sheppard Avenue with applications on the former Canadian Tire lands and the Parkway Forest neighbourhood, the City undertook Community Services and Facilities Reviews in 2002 and 2008 respectively. These Reviews looked at the larger areas within the Bessarion, Leslie and Don Mills Development Nodes.

The Community Services and Facilities Review priorities for the Bessarion and Leslie Nodes included one joint-use community facility with two elementary schools (TDSB, TCDSB), community service space, two non-profit child care facilities, a public library and a fire station. The need for a community centre to serve the Sheppard Corridor neighbourhoods has been identified as a priority and amendments to the Secondary Plan to allow for cash contributions toward the proposed community centre have been approved. Priorities in the Community Services and Facilities Review for the Leslie/Sheppard Sub-area include two child care facilities, a community recreation facility, a library, a TDSB elementary school and community agency space.

The applicant's Update Report findings stating that the area has no shortage of facilities is incorrect. Given the previous needs assessments completed for this area, there continues to be facility/service deficiencies as a result of increased growth. Based on feedback from service providers, there continues to be a demand for multi-purpose community agency space for non-profit agencies to run programs/services. The School Boards are monitoring school accommodation issues for the area given the increased number of students generated from new growth. As such, both the TDSB and the TCDSB have indicated their interest in securing elementary schools in the area. Toronto Public Library has indicated it is looking for a larger space than the current facility in the Bayview Shopping Centre to accommodate demand.

Growth related facilities are needed in this portion of the Sheppard Corridor and the Community Services and Facilities Update Report is to be revised to identify these and the possible community benefits that could be provided through the density increase requested by the subject application.

The applicant is proposing that the 78 space existing private daycare facility located on the site in 1220 Sheppard Avenue East be expanded to between 120 and 130 spaces.

While daycare facilities have been identified as a community service need in the area, the Official Plan requires that in order to be considered as a S 37 benefit the daycare facility is to be non-profit. Therefore, the existing daycare and its proposed expansion are not considered a Section 37 community benefit.

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.

Urban areas and buildings pose dangers to migrating birds and the subject site is located adjacent to the Don Valley East ravine which is a migratory route. The City of Toronto Bird Friendly Guidelines were approved by Council in 2007 and contain a list of strategies to address the dangers posed by development to migrating birds. Measures to protect birds include treatment of glass, ground level vents and building and site lighting. The applicant proposes to meet the Green Development Standard which requires that glass is treated with a density pattern or that reflections are muted for the first 10 -12 metres above grade, glass is treated above a green roof, low porosity ground level ventilation grates are used, exterior light fixtures are shielded and there is no up-lighting.

The proposed development will incorporate the requirements of the Toronto Green Standard in treating glass, ventilation grates and lighting to protect migratory birds.

Environmental Site Assessment

The Secondary Plan identifies the site as a former waste disposal site and the applicant has prepared an Environmental Site Assessment which is a study of soil and environmental conditions. The applicant's Environmental Site Assessment is peer reviewed and when satisfactory is accepted by Engineering and Construction Services prior to building permits being issued.

CN Railway

The CN rail line that is also used by GO Transit is located directly to the west of the subject site. The building setback from the rail line is proposed to be reduced from the established distance of 30 metres to 25 metres. This reduction is acceptable to CN and GO Transit provided a crash wall is constructed at the property line. Detailed design of the crash wall will be reviewed by consultants AECOM Engineering for CN and GO Transit. Landscaping in the area adjacent to the crash wall is proposed and will be reviewed by City staff to ensure that this is a high quality and attractive area.

Conclusions

The application as revised shows improvements on some of the issues identified in the Refusal Report dated April 27, 2012 from City Planning, North York District. Old Leslie

Street has been extended into the site as a public street, the private open space has been enlarged, one residential building has been eliminated and heights for the buildings in the south end of the site have been lowered from 43 storeys to 39 storeys and 34 to 27 storeys and in the proposed building in the north end from 27 to 21 storeys. As a result of these changes the unit count has decreased from 2,098 to 1,793 and the FSI has been lowered from 5.5 to 4.8 FSI.

The proposed application however does not satisfactorily address the policies and objectives of the Official Plan, Secondary Plan and City guidelines. The application requires further changes in order to create a complete, cohesive community that minimizes impacts on surrounding uses as described in this report.

The revised submission received on March 26, 2013 is to be reviewed in terms of making progress on the issues identified in this report. This report recommends that staff oppose the appeal of the application at the OMB and that staff be authorized to continue discussions on a revised proposal.

CONTACT

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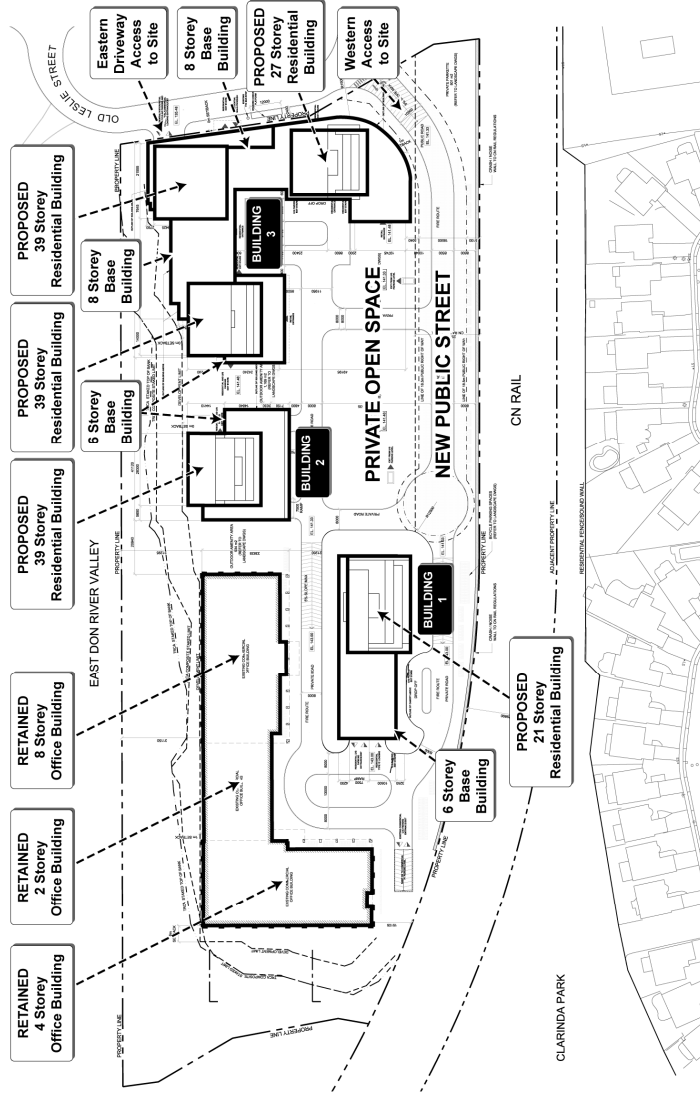
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan
Attachment 4: Application Data Sheet

Attachment 1: Site Plan

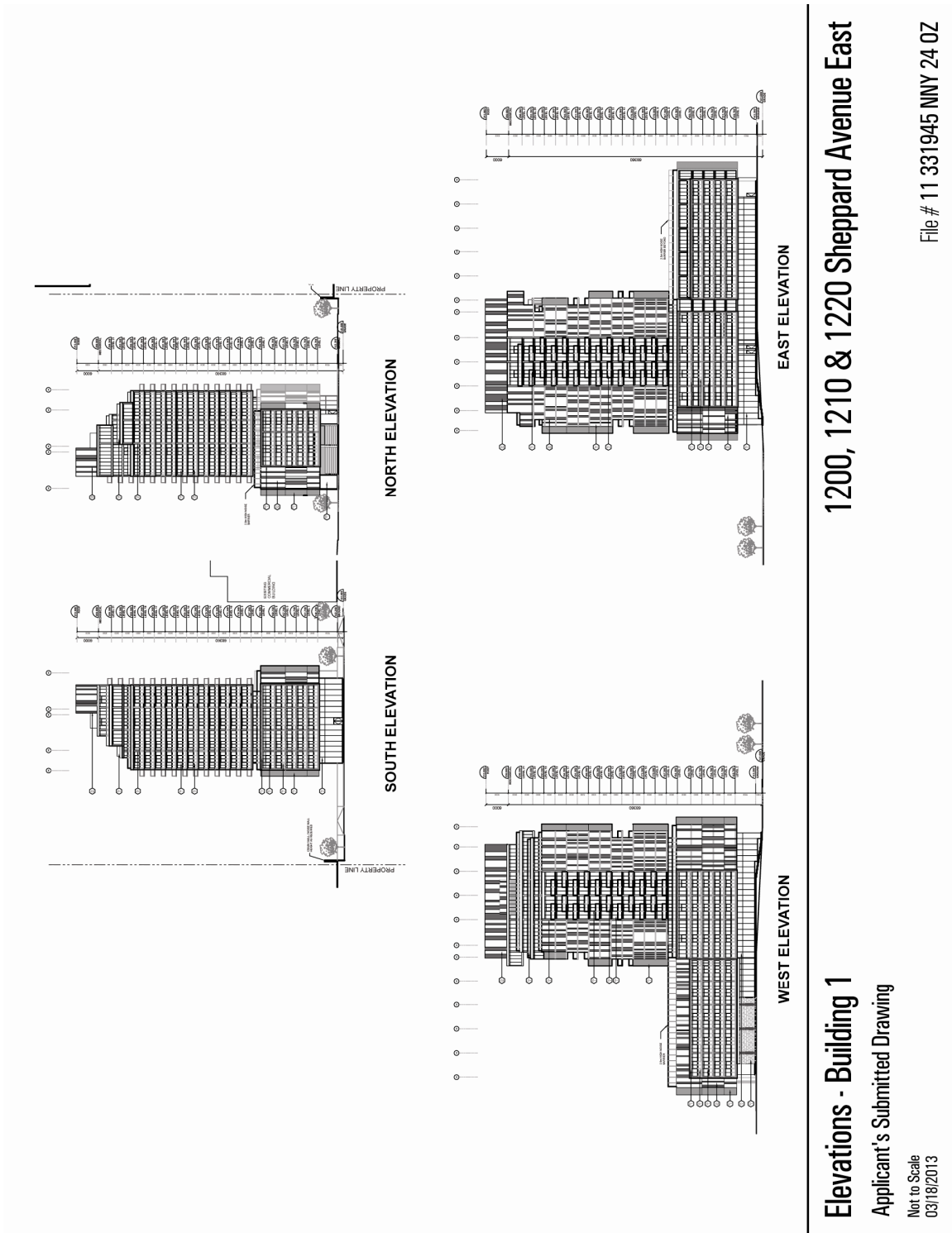


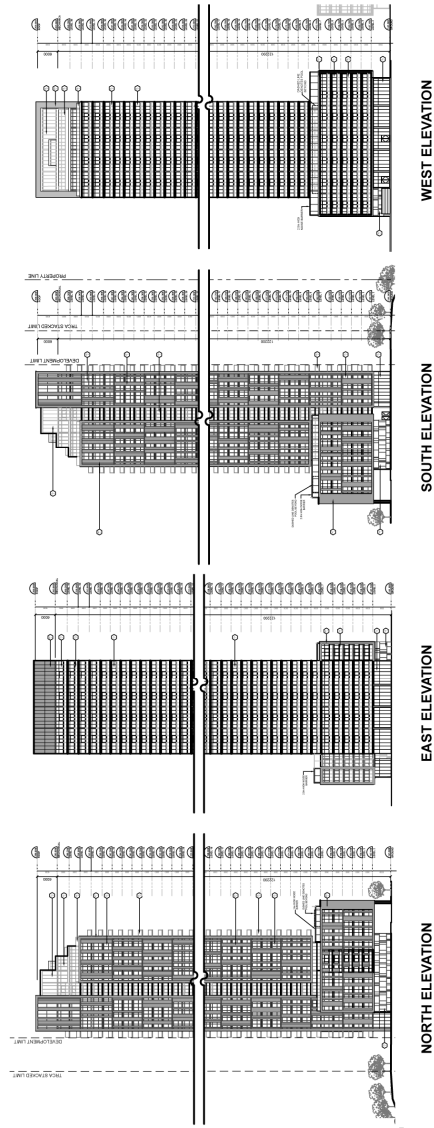
1200, 1210 & 1220 Sheppard Avenue East

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 04/03/2013

File # 11 331945 MNY 24 0Z

Attachment 2: Elevations





* Note: Elevations do not show all the floors

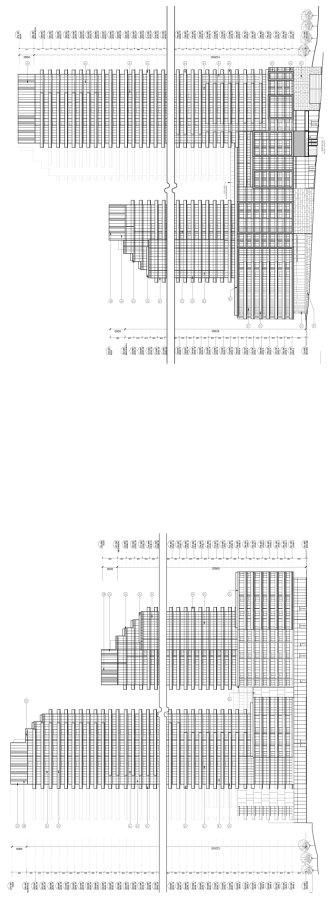
Elevations - Building 2

Applicant's Submitted Drawing

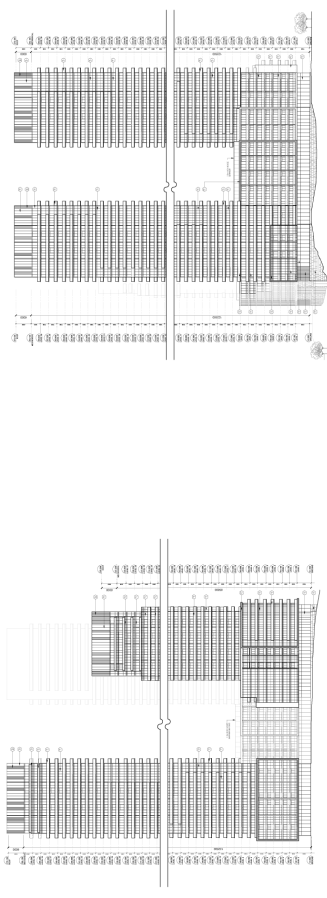
Not to Scale
03/18/2013

1200, 1210 & 1220 Sheppard Avenue East

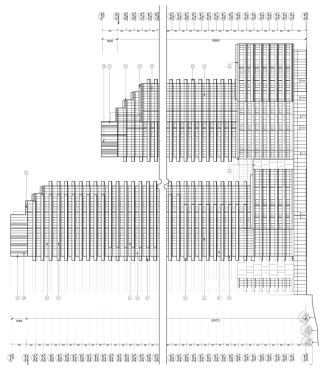
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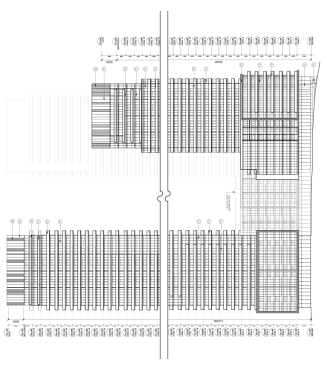
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

* Note: Elevations do not show all the floors

Elevations - Building 3

Applicant's Submitted Drawing

Not to Scale
03/18/2013

1200, 1210 & 1220 Sheppard Avenue East

File # 11 331945 NNY 24 02

Attachment 3: Official Plan



TORONTO City Planning
Official Plan

1200, 1210 & 1220 Sheppard Avenue East

File # 11 331945 NNY 24 0Z

- | | | |
|-----------------|--------------------------|---------------------|
| Site Location | Parks & Open Space Areas | Institutional Areas |
| Neighbourhoods | Natural Areas | Utility Corridors |
| Mixed Use Areas | Parks | |

↑
 Not to Scale
 01/23/2012

Attachment 4: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 331945 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 30, 2011

Municipal Address: 1200, 1210, 1220 SHEPPARD AVENUE EAST
 Location Description: CON 2 EY PT LOT 16 RP 64R6261 PARTS 2 7 AND 9 **GRID N2405
 Project Description: Proposed mixed use development - 5 new residential condominium and retail/office building

Applicant:	Agent:	Architect:	Owner:
Joe Azuri	Mary Flynn-Guglietti	Core Architects Inc.	Amexon Development Inc. & Heritage York Holdings

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C1(84)	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m): (without valleylands)	40,553	Height:	Storeys:	4, 8, 21, 27, 39, 39, 39
Frontage (m):	103			
Depth (m):	407			
Total Ground Floor Area (sq. m):				Total
Total Residential GFA (sq. m):	163,992		Parking Spaces:	3,055
Total Non-Residential GFA (sq. m):	30,257		Loading Docks	
Total GFA (sq. m):	194,249			
Lot Coverage Ratio (%):				
Floor Space Index:	4.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	163,992	0
Bachelor:	0	Retail GFA (sq. m):	2,619	0
1 Bedroom:	696	Office GFA (sq. m):	27,638	0
2 Bedroom:	989	Industrial GFA (sq. m):	0	0
3 + Bedroom:	108	Institutional/Other GFA (sq. m):	0	0
Total Units:	1,793			

CONTACT: **PLANNER NAME:** **Lynn Poole, Senior Planner**
TELEPHONE: **(416) 395-7136**