

**500 Sheppard Avenue East – Official Plan and Zoning  
By-law Amendment Application – Status Report**

<b>Date:</b>	July 23, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	11 173715 NNY 23 OZ

**SUMMARY**

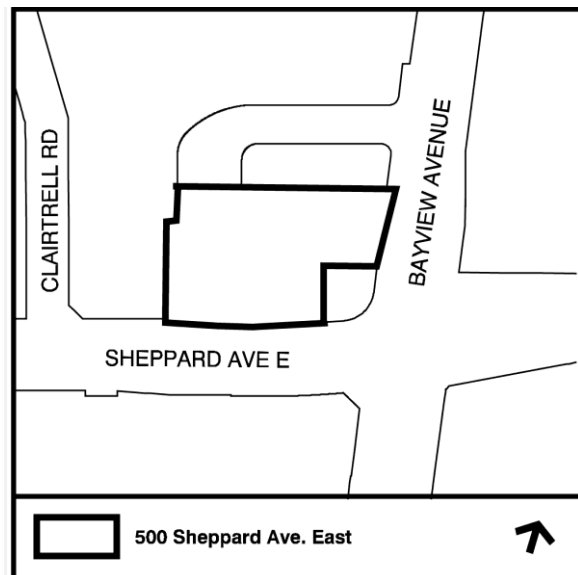
The application proposes a 29-storey mixed-use building, 91 metres high with 310 dwelling units (including 5 live-work units) and 2,998 square metres of commercial floor space at 500 Sheppard Avenue East. The gross floor area proposed is 27,295 square metres resulting in a proposed density of 4.76 times the area of the lot. The applicant has appealed the application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the prescribed period under the *Planning Act*. A prehearing was held on July 15, 2014. A full hearing is scheduled for March 2 to 15, 2015.

This report provides the status of the application including the issues identified to date by City staff and agencies through the review of the application.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report and any other issues that may be identified through the continuing review of the



application, and to report back to North York Community Council prior to the start of the full Ontario Municipal Board hearing.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In 2002 the Ontario Municipal Board (OMB) approved OPA 392, the Sheppard East Subway Corridor Secondary Plan along with OPA 517 that modified OPA 392, to include lands in the northwest quadrant of the intersection of Bayview Avenue and Sheppard Avenue East as a Key Development Area and introduced additional policy criteria including the preparation of a Context Plan, to guide development on lands within this quadrant. The subject site located in the northwest quadrant of the intersection of Bayview Avenue and Sheppard Avenue East is included in the Key Development Area introduced for this area.

At its meeting of June 19, 2013 North York Community Council (NYCC) considered a preliminary report on the Official Plan and Zoning By-law Amendment application. NYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site and that the notice area be extended to the area bounded along both sides of Empress Avenue to the north, Willowdale Avenue to the west, Highway 401 to the south, and Bayview Avenue to the east, as well as the area bounded by Highway 401 to the south, the railway line to the east, Citation Drive to the north and Bayview Avenue to the west, and that the applicant pay the City for the costs associated with extending the notice area. The preliminary report is on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY8.27>

### **ISSUE BACKGROUND**

#### **Proposal**

The application proposes a 29-storey mixed-use building, 91 metres high (excluding architectural element) with 310 dwelling units and 2,998 m<sup>2</sup> of commercial floor space (Attachments 1, 2, 3, and 4). The mix of dwelling units includes 186 one-bedroom, 119 two-bedroom and 5 live-work units. The proposed tenure of the dwelling units is condominium. The gross floor area proposed is 27,295 square metres resulting in a proposed density of 4.76 times the area of the lot.

The building design includes a 2 and 5 storey base building with the 5-storey portion generally along Sheppard Avenue East and the 2-storey portion facing Bayview Avenue, and the 27-storey tower above it. A total of 364 parking spaces are proposed for residents (311) and resident and commercial visitors (53) in 3 levels of below grade parking and a surface parking area to the north of the building (26 parking spaces). Two hundred and forty-two (242) bicycle parking spaces are proposed on the lower ground floor for residents (188) and outside along the west side of the driveway for visitors (56). Two accesses each 6 metres wide are proposed; one at the north end of the site from Bayview Avenue, the other at the west edge of the site from Sheppard Avenue East.

Proposed common residential amenity space includes 763 m<sup>2</sup> in two areas on the upper ground floor and on the 6<sup>th</sup> floor. Outdoor amenity space includes a 620 m<sup>2</sup> outdoor terrace adjacent to the indoor amenity room on the 6<sup>th</sup> level.

The application also includes the dedication of 700 m<sup>2</sup> of public parkland on site, along the east side of the site adjacent to Bayview Avenue north of the existing public parkette at the corner of Bayview Avenue and Sheppard Avenue East.

The proposal has been revised since its initial submission and a summary of the initial and revised submissions is outlined in the table below. Initially the application proposed a 5-storey office building and a 29-storey residential building linked by a 2-storey base building. The current proposal is for a mixed-use building.

The initial proposal did not include on-site parkland dedication. With the addition of the parkland, the building in the revised proposal has been shifted to the west approximately 22 metres from Bayview Avenue. Along Sheppard Avenue East the building setback has been reduced from approximately 10 metres in the initial proposal for the office building to 5.7 metres for the mixed-use building. Within the 5-storey base building along Sheppard Avenue East, 2-storey live-work units are now proposed on the lower and upper ground floors with office uses proposed on the 3<sup>rd</sup> level and two levels of apartments above. Setbacks along the north property line have also been reduced from 11 metres in the initial proposal to 7.5 metres in the current proposal.

The overall height of the building has increased from 90 to 91 metres and 101 to 103 metres for an architectural element that extends beyond the roof level on the east side of the tower. The number of storeys remains at 29. The overall gross floor area has increased resulting in an increase in density from 4.33 to 4.76 times the area of the lot. The proposed commercial floorspace has been reduced by approximately 1000 m<sup>2</sup>. The overall number of units has increased significantly from 220 to 310 units.

<b>Summary of Initial and Revised Submissions</b>		
	<b>Initial Submission (April 13, 2011)</b>	<b>Revised Submission (April 11, 2013)</b>
Storeys (height in metres) (height of architectural element*)	29 (90 m) – Residential (101*) 5 (18.8 m) - Office	29 (91 m) – Mixed-Use (103*)
Dwelling Units	220	310
Residential Gross Floor Area (excluding amenity area)	20,878 m <sup>2</sup>	24,297 m <sup>2</sup>
Office Gross Floor Area	3,250 m <sup>2</sup>	2,520 m <sup>2</sup>
Retail Gross Floor Area	719 m <sup>2</sup>	478 m <sup>2</sup>
Total Office & Retail Gross Floor Area	3,969 m <sup>2</sup>	2,998 m <sup>2</sup>
Total Gross Floor Area (excluding amenity area)	24,847 m <sup>2</sup>	27,295 m <sup>2</sup>
Density – Floor Space Index	4.33 x lot area	4.76 x lot area
Parking Spaces	320	364
Bicycle Parking Spaces	181	242
Indoor Amenity Space	602 m <sup>2</sup>	763 m <sup>2</sup>
Outdoor Amenity Space	398.5 m <sup>2</sup>	620 m <sup>2</sup>
Tower Floorplate	560 m <sup>2</sup>	750 m <sup>2</sup>
On-site Parkland dedication	----	700 m <sup>2</sup>

Additional site and development statistics are included in the Application Data Sheet: Attachment 5.

## **Site and Surrounding Area**

The site is located adjacent to the existing public parkette and Sheppard subway entrance at the northwest corner of Sheppard Avenue East and Bayview Avenue. The site is 5,730.5 square metres in size with approximately 60 metres of frontage along Bayview Avenue and 95 metres of frontage along Sheppard Avenue East. The site is irregular in shape with grade changes of up to 3.7 metres across the site from Bayview Avenue down to the west boundary and from Sheppard Avenue East rising to the north. The site is currently occupied with a 3-storey commercial building, (3,821 m<sup>2</sup>) and an associated surface parking lot with 107 parking spaces behind the building.

Surrounding uses include:

**West:** There are two 14-storey apartment buildings at the northeast and northwest corners of Clairtrell Avenue and Sheppard Avenue East west of the site. There are also 3-storey townhouses west of the site that extend north along the east and west sides of Clairtrell Avenue.

**North:** Abutting to the north are 3-storey townhouses that front along the north and south sides of Mallingham Court. Further north is a Place of Worship and a mix of low rise residential buildings. There are two new mid-rise buildings on the south side of Spring Garden Avenue north of the site. St. Gabriel Catholic elementary school is on the north side of Spring Garden Avenue.

**East:** Immediately east of the site along Sheppard Avenue East is an entrance to the Sheppard Subway Station. Opposite the site on the east of side of Bayview Avenue is a 15-storey mixed use residential and commercial building ("Arc"). Further east is the Bayview Village Shopping Centre. The southeast quadrant of the intersection of Bayview Avenue and Sheppard Avenue East contains a service station, YMCA and a mix of newer mid-rise and highrise residential developments as well as a pedestrian entrance to the Sheppard subway.

**South:** There is a public parkette at the northwest corner of Bayview Avenue and Sheppard Avenue East abutting the site. There is a service station at the south west corner of Sheppard Avenue East and Bayview Avenue, as well 2 and 3-storey commercial building and dwellings that have been converted to office uses opposite the site.

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

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

context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject property is designated *Mixed Use Areas* in the Official Plan (Attachment 6). It is also located within the Sheppard East Subway Corridor Secondary Plan (Attachments 7 and 8).

### ***Mixed Use Areas* Policies**

A broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities are permitted within the *Mixed Use Areas* designation. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Where there is new development proposed in *Mixed-Use Areas*, proposals are assessed against development criteria included in Section 4.5.2 of the Official Plan. These criteria include among other matters:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locating and massing new buildings to provide a transition between areas of differing development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from and/or stepping down of heights toward lower scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;

- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locating and screening service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residents.

### **Public Realm and Built Form Policies**

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City’s future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

To minimize impacts on the property and on surrounding properties, and improve the safety and attractiveness of adjacent streets, Section 3.1.2.2 provides that new development minimize the width of driveways and curb cuts across the public sidewalks, and integrate services and utility functions within buildings where possible. Section 3.1.2.4 of the Plan requires that new development provide amenity to adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.3 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. The Official Plan states that although tall buildings are desirable in the right places they do not belong everywhere and are only one form of intensification. Most of the proposed intensification in the Plan is anticipated to be achieved with street oriented, grade related or mid-rise building types that define and support sunny, comfortable and vital streets, parks and open spaces. Tall buildings are generally limited to parts of the *Downtown, Centres* and others areas in which they are permitted by a Secondary Plan, an area specific policy, or a zoning by-law. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

## **Sheppard East Subway Corridor Secondary Plan**

Section 5 of the Official Plan provides that Secondary Plans will set the stage for reurbanization in defined areas to stimulate and guide development in keeping with the objectives of the Official Plan. They are intended to promote the desired type and form of physical development for an area. The Sheppard East Subway Corridor Secondary Plan provides a locally focussed policy framework for guiding growth and change in the Secondary Plan Area.

The Secondary Plan directs development to Key Development Areas which are primarily designated *Mixed Use Areas*, and establishes the planning context for long term growth within the larger Secondary Plan area. Section 2 provides that development will be transit supportive with the highest densities generally located closest to the rapid transit stations and to a lesser extent along arterial road frontages. The Plan identifies four Key Development Areas centred on the subway stations and Section 4.1 provides that development within these Key Development Areas should reflect the nature and character of the community around the subway stations, including the mix and range of uses and the level of development potential.

The subject site is located with the northwest quadrant of the Bayview Node Key Development Area that includes the four quadrants at the intersection of Bayview Avenue and Sheppard Avenue East (Attachment 7). The policies of Section 4.2 provide that the Bayview Node will be primarily a residential development node. Subject to the approval of a Context Plan, mixed-use and multiple family development may occur and is required to address additional policy criteria. Among other matters these criteria encourage the consolidation of lands in order to achieve maximum permitted densities and to prevent piecemeal development, provide for the establishment of a park within the Key Development Area, require that new development be sensitive to the remaining lands within the Key Development Area and existing uses and built forms, and that all development meet the urban design principles of the Plan.

The site is also subject to policy 4.2.2.1 for the Teagarden/Mallingham Court/Clairtrell Road Area (Attachment 8). This policy provides that the lands closest to the arterial roads and rapid transit stations are assigned a *Mixed-Use Areas* designation and a density of 3.0 times the area of the lot. This includes the subject site. The policies of Section 4.2.2.1 also provide that density incentives outlined in Plan may be utilized on lands within the *Mixed-Use Areas* and Section 4.3.3 sets out the uses and facilities that are eligible for density incentives. These include uses and facilities such as; private recreation uses, community centres, social facilities as well as direct underground pedestrian connection to transit terminals.

## **Clairtrell Area Context Plan**

As required by the Secondary Plan, a Context Plan has been completed for this quadrant of the Key Development Area and was adopted by Council in 2005. The Clairtrell Area Context Plan provides a more detailed planning framework for development within this

area including providing guidance on matters such as appropriate building heights, massing, setbacks and density, and a framework for public realm improvements.

The subject site is identified as a gateway site and Section 3.3 of the Context Plan encourages a distinctive built form and complementary streetscape for new development on this site, to reinforce the building's role as a visual gateway into the community. The plan provides that buildings on this site should have a height generally in the range of 14 to 15 storeys and 42.5 metres high (Attachment 9). To promote a pedestrian scaled street wall along Sheppard Avenue East and Bayview Avenue, a 2-storey expression in the base building is encouraged with setbacks above this level and again at the 6<sup>th</sup> level.

Street related retail and service uses are encouraged for new development at this intersection with a fine grain fabric of retail entrances accessible at grade along Bayview Avenue and Sheppard Avenue East to animate these frontages. Minimum setbacks of 5 metre are recommended to ensure that there is sufficient space for on-site landscape enhancements that can be integrated with public realm improvements in accordance with streetscape plans for these important streets.

## **Zoning**

The site is zoned Commercial (C1) in the former City of North York Zoning By-law No. 7625 (Attachment 10). Subject to certain restrictions, a variety of residential uses including apartment buildings, and a mix of commercial uses; such as restaurants, retail stores, banks, business and professional offices, theatres, funeral establishments, parking lots, service stations and accessory uses are permitted on the site. The maximum permitted height is 9.2 metres with the exception of apartment buildings where a maximum height of 11.5 metres is permitted.

## **Site Plan Control**

The proposed development is subject to site plan control. A site plan control application has not been submitted.

## **Reasons for Application**

The Official Plan Amendment is required as the permitted density on the site is 3.0 times the area of the lot and the application proposed a density of 4.76 times the area of the lot. The application also proposes to amend the Sheppard East Subway Corridor Secondary Plan to remove the site from Policy Section 4.2.2.1 for the Teagarden Court/Mallingham Court/Clairtrell Road Area and introduce a site specific policy for the lands.

The Zoning By-law Amendment is required to establish the permitted uses and development standards for the proposed development related to gross floor area (residential and non-residential), height, setbacks, number of dwelling units, parking, loading, bicycle parking, amenity space and landscape open space. The Zoning By-law Amendment also proposes to rezone the lands proposed to be dedicated as parkland from Commercial to Open Space.



## **Community Consultation**

A community consultation meeting was held on June 19, 2013. Planning and Transportation Services staff, the Ward councillor and approximately 100 members of the public attended the meeting. Main issues raised included concerns with the traffic impacts of the development in this area that is experiencing significant congestion including; ingress and egress to the site, capacity at intersections, potential for traffic infiltration into the surrounding neighbourhoods and spill over parking on local streets. The proposed height of the building and density of the development, shadow impacts, the capacity of community services and facilities, and impacts on the pedestrian realm were also identified as issues of concern by the public.

A second community meeting was held by the Ward councillor on July 10, 2014. Planning and Legal Services staff, a representative from the councillor's office, and approximately 20 members of the public attended the meeting. Residents raised the same issues that had been noted at the previous meeting. Additional comments included concern with the building height and its proximity to the rear yard of the adjacent townhouses and overlook and privacy issues, concern that the building would set a precedent for additional tall buildings in the area, the impacts from noise, wind and shadow and concern about impacts on property values. Participants expressed concern about the materiality of the building and its high reflectivity, and safety concerns that building materials may fall from the tower or be thrown from balconies onto adjacent properties, as well as concerns about impacts during construction. Participants also discussed procedures for the Ontario Municipal Hearing.

## **COMMENTS**

### **Ontario Municipal Board Appeal**

The applicant has appealed the application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the prescribed period under the *Planning Act*. A prehearing conference was held on July 15, 2014 and a full hearing has been scheduled for March 2 to March 15, 2015.

At the July 15, 2014 prehearing conference, the OMB requested that an issues list be provided to the OMB by August 8, 2014 along with a procedural order for the full hearing. The Board also advised the parties of the mediation procedures of the OMB that would be available on consent of the parties.

The application has been circulated to City divisions and agency for review and comment and issues identified to date through this review are summarized below.

### **Land Use**

The existing building includes approximately 3,821 m<sup>2</sup> of office and retail floorspace. The initial submission proposed an increase in the overall non-residential (office and retail) floorspace to 3,969 m<sup>2</sup> consistent with the policies of the Official Plan and Secondary Plan that support office uses within *Mixed-Use Areas* particularly in areas well

served by transit such as the subject site. The proposal has been revised to reduce the office and retail component to 2,998 m<sup>2</sup>. Staff have concerns with the proposed loss of non-residential floorspace on this site and recommend that the amount of commercial floorspace be increased at least to what exists on the site currently.

## **Density**

The Secondary Plan assigns a base density of 3.0 times the area of the lot for this site and provides that density incentives may also be utilized for lands within the *Mixed Use Areas* designation such as the subject site. The density incentives include among other things, private recreational uses, community centres, and social facilities and uses that would be needed to support intensification above the levels identified in the Secondary Plan.

For the site, the permitted gross floor area without density incentives is 17,191.5 m<sup>2</sup>. The application proposes a gross floor area of 28,058 m<sup>2</sup>, approximately 10,867 m<sup>2</sup> above the gross floor area currently permitted. The application proposes that a density incentive be provided for the 763 m<sup>2</sup> of recreational amenity space proposed within the building and this is consistent with the Secondary Plan that provides for density incentives for private recreational uses on the site. As a density incentive, this would permit 763m<sup>2</sup> of floor area to be excluded from the overall gross floor area and the calculation of density. No additional density incentives are proposed.

The proposed density of 4.76 times the area of the site is out of keeping with the Key Development Area density permissions of the Secondary Plan. As well, no community or social services or facilities are proposed to be provided to address the services or facilities that would be needed to support the proposed intensification. An entrance to the Sheppard subway on Bayview Avenue is immediately adjacent to this site and the Secondary Plan currently provides a density incentive for below grade pedestrian connections to transit stations, but no connection is proposed. For other developments within this quadrant, and in other Key Development Areas along the Sheppard corridor, developments that exceed the assigned density levels have provided or have contributed to the provision of community services or facilities and other improvements needed to support new development in keeping with the Secondary Plan.

## **Height**

The Clairtrell Context Plan recommends a building height generally in the range of 14 to 15 storeys on the subject site which is also identified as a gateway site. A height limit of 42.5 metres is also included. The application proposes a 29-storey building with a height of 91 metres.

The Secondary Plan sets out the desired type and form of development for this area and the Clairtrell Context Plan provides a further layer of detail in the context of the Secondary Plan, including establishing the appropriate building types and heights for this quadrant in the larger Bayview Node.

The existing development along Bayview Avenue and Sheppard Avenue East at this intersection includes the newer 15-storey mixed-use building opposite the site on the northeast corner of Bayview Avenue and Sheppard Avenue East (ARC), and the two 14-storey apartment buildings to the west of the site at the northeast and northwest corners of Clairtrell Avenue and Sheppard Avenue East. A 15-storey building is also proposed, but not yet constructed, adjacent to the east of the ARC building facing along the north side of Sheppard Avenue East. There are also recently constructed 3-storey townhouses adjacent to the west of the site extending north along the east and west sides of Clairtrell Avenue. There are older 3-storey townhouses adjacent to the north of the site, on the north and south sides of Mallingham Court. The Context Plan also provides for new development on the lands along Mallingham Court with building heights in the range of 12-14 storeys and 38 to 44 metres high. The Secondary Plan policies for the lands along the south side of Sheppard Avenue East within the southeast quadrant of the Bayview Node are intended for midrise buildings and the Southeast Bayview Node Context Plan that applies in that quadrant, provides for building heights of generally 10 storeys on the south side of Sheppard Avenue East at the intersection of Bayview Avenue stepping down to 6 storeys further east along Sheppard Avenue East. This also includes the gateway sites identified in this quadrant of the Bayview Node - Key Development Area.

Staff consider the proposed building height too high and not consistent with the existing and planned built form context for this Key Development Area, or this site where buildings in the range of 14-15 storeys are planned.

## **Traffic Impact, Access, and Loading**

### Traffic Impact Study

A Traffic Impact Study (TIS) was submitted with the application and has been reviewed by Transportation Services staff. Staff have advised that additional information with respect to existing and approved developments in the area, and more up to date information with respect to existing traffic levels at the intersection and road and intersection capacity is required to fully assess the traffic impacts of the proposed development. Transportation Services staff have also advised that a traffic certification from a qualified transportation consultant is required in accordance with the Secondary Plan.

### Road Widening

A road widening ranging from approximately 1.3 to 2.0 metres is required along the Sheppard Avenue East frontage of the site and revisions are needed to the proposal to incorporate the required road widening. In addition the survey submitted with the application does not clearly identify property boundaries and easements on the site, particularly along the Bayview Avenue and Sheppard Avenue East frontages of the property. A new survey is required.

### Access

Two driveways are proposed to service the site, one at the north end of the site along Bayview Avenue and one near the west edge of the site along Sheppard Avenue East. Transportation Services staff have recommended that restrictions be placed on both

accesses, limiting the Bayview Avenue access to a right-in-right-out configuration through an extension of the median on Bayview Avenue, and that outbound left hand turning prohibitions be required for the Sheppard Avenue East access during morning and afternoon peak traffic periods based on the results of the traffic study indicating difficulty in left turn movements at this access during busy periods. A functional design for the median work along Bayview Avenue is required to be submitted by the applicant and the cost of such work will be the applicant's responsibility.

### Loading

The applicant is proposing a single Type G loading space for the development. Transportation Services staff have advised that this will not be sufficient to service this large mixed-use development and a second Type B loading space is required.

### Design of the Loading and Service Area

The service area is proposed to be located on the north side of the building adjacent to the low rise residential properties that front on Mallingham Court and most of the service area (drop-off, servicing court, loading area and ramp) is proposed to be uncovered. Planning staff have concerns with the potential impacts from this service area on the residential uses adjacent to the north. Staff recommend that this service area be fully covered and integrated into the building mass to reduce impacts on adjacent properties, the site and the public realm.

A covered service area also provides opportunity for additional on-site outdoor amenity area with direct access to the indoor amenity space proposed on the adjacent floor. The proposed site grades would allow this elevated landscape courtyard to be generally at the same grade as Mallingham Court providing opportunity to more fully integrate this site with the rest of the neighbourhood with pedestrian connections through this space.

## **On-Site Pedestrian Connections**

There is opportunity with the proposed development to contribute to the emerging pedestrian network in this quadrant to both north/south and east/west pedestrian connections. A publicly accessible mid-block walkway along the west property line from Sheppard Avenue East to the public right of way at Mallingham Court should be provided to contribute to the emerging mid-block pedestrian linkage between Sheppard Avenue East and Spring Garden Avenue. A publicly accessible pedestrian walkway should also be provided along the north property line to provide access from Bayview Avenue to the north south Mallingham Court walkway in the centre of the block.

## **Sheppard Avenue Streetscape and Built Form**

The 5 live-work units are proposed to be located in the first two levels of the base building along Sheppard Avenue East which is proposed to be setback approximately 5.7 metres from the current property line adjacent to the street. Due to grade changes on the site stairs are located immediately adjacent to the property line along Sheppard Avenue East with steps (3 to 7) leading from the sidewalk to the setback area in front of the live-work units. Staff have concerns with this design and the relationship of the building to the street, the lack of accessibility for these units that are intended for both live and work,

as well as the setback of the building. The building design should be revised with ground floor grades that are stepped to follow the grade of the sidewalk to make these units accessible at grade along Sheppard Avenue East and ensure that uses within the building animate the street, and are functional as live-work units. As well, a road widening is required along Sheppard Avenue East to ensure that the Council approved streetscape plan for Sheppard Avenue East that includes a 2.0 metre wide sidewalk and space for street trees can be implemented. A minimum building setback of 5 metres is required from the road widening to provide adequate space for landscaping, and other pedestrian amenities that can be integrated with the Sheppard Avenue East streetscape design to create an enhanced pedestrian realm along this important street.

## **Servicing**

Functional Servicing and Storm Water Management reports were submitted with the application and have been reviewed by Engineering and Construction Services staff. Additional information and revisions are needed to the proposed site to address City requirements with respect to water service, sanitary sewer service, including addressing sanitary sewer capacity, and storm water management.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 – 0.42 hectares of parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The owner has applied to construct 310 residential units and 2,998 m<sup>2</sup> of commercial uses. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.413 hectares or 81% of the residential portion of the site area. As such a cap of 10% is applied to the residential component while the commercial space is subject to a 2% parkland dedication requirement. The residential component will generate a parkland requirement of 0.0512 hectares while the commercial component will generate a parkland requirement of 0.0012 hectares. In total, the parkland dedication requirement will be 0.0524 hectares (524 m<sup>2</sup>).

Parks, Forestry and Recreation requested onsite parkland dedication which will expand the existing parkette to the south east of the site. The overall size of the expanded parkland will be 1,250 m<sup>2</sup> in size and have frontage along Sheppard Avenue East and Bayview Avenue. The additional 700 m<sup>2</sup> of parkland will create a more useable space and allow for some passive programming. The design of the proposed park will be to the satisfaction of Parks Forestry and Recreation. The applicant is requested to provide details of the limit of underground TTC subway station and if any encumbrances exist under the proposed parkland. Any parkland conveyances shall be free from above and below grade physical obstructions and easements, encumbrances and encroachments unless otherwise approved by the General Manager of Parks, Forestry and Recreation. It is noted that the applicant will not be credited for any over dedication of parkland as

portion of the proposed parkland is encumbered with easements in association with the adjacent TTC entrance.

#### Built Form and Uses adjacent to the Park

The applicant proposes that the ramp to the underground parking extend along the north edge of the lands proposed to be dedicated as parkland. Planning staff have concerns with this exposed ramp as it is not an appropriate edge to the expanded public park. Staff recommend that the ramp be integrated into the building mass and the driveway from Bayview Avenue leading to the ramp be designed similar to a private street including providing pedestrian walkways and landscaping on both sides. Ground floor uses should also be extended along the northwest corner of the park (integrated with the ramp) to animate the park space.

The application proposes a ground floor setback of 2.8 metres from the west edge of the existing and expanded park. Doors for the retail uses and the residential lobby are proposed to open into the setback and spill out uses associated with the retail units are also indicated in the setback creating a very narrow pedestrian zone adjacent to the building. As well, the architectural element on the roof extends over the property boundary of the existing parkette. An increased ground floor setback should be provided adjacent to the park, to provide adequate space for pedestrians as well as amenities such as landscaping, seating, canopies, and lighting, including areas for spill out activities such as outdoor cafes in association with the proposed retail uses on the property and not on the park. An increased setback should also be provided in association with the residential entrance to promote its visibility and provide an attractive and comfortable amenity area for residents, visitors and the general public. These walkways adjacent to the park should have continuous weather protection for pedestrians, such as canopies with a minimum width of 2.5 metres. The architectural element along the east side of the tower should be redesigned to remove the encroachment over the existing park.

### **Section 37**

Section 37 of the *Planning Act* enables the approval authority to authorize increases in height and/or density, over and above that permitted by the Zoning By-law, in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvement above and beyond the parkland dedication; public art; streetscape improvements, and other works detailed in Section 5.1.1.6 of the Official Plan. They must also bear a reasonable planning relationship to the proposed development including an appropriate geographic relationship and addressing any planning issues associated with the development. This report is recommending that staff continue discussions with the applicant in an attempt to resolve the issues outlined in this report including securing appropriate community benefits in keeping with other Section 37 contributions that have been secured in association with recent development within the Secondary Plan area.

## **Conclusions**

The Official Plan and Zoning By-law amendment application for a 29-storey mixed-use building at 500 Sheppard Avenue East has been appealed by the applicant to the Ontario Municipal Board due to Council's failure to make a decision within the prescribed period under the *Planning Act*. A prehearing conference was held on July 15, 2014 and a full hearing is scheduled for March 2 to March 15, 2015. This report provides an overview of the issues identified to date by City staff and agencies through the review of the application. Planning Staff recommends that Staff continue discussions with the applicant on a revised proposal which addresses the issues outlined in this report and any other issues that may be identified through the continuing review of the application. These discussions could include the mediation process at the OMB as outlined by the Board at the prehearing conference. Staff will report back to North York Community Council prior to the full OMB hearing.

## **CONTACT**

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E-mail: smcalpin@toronto.ca

## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

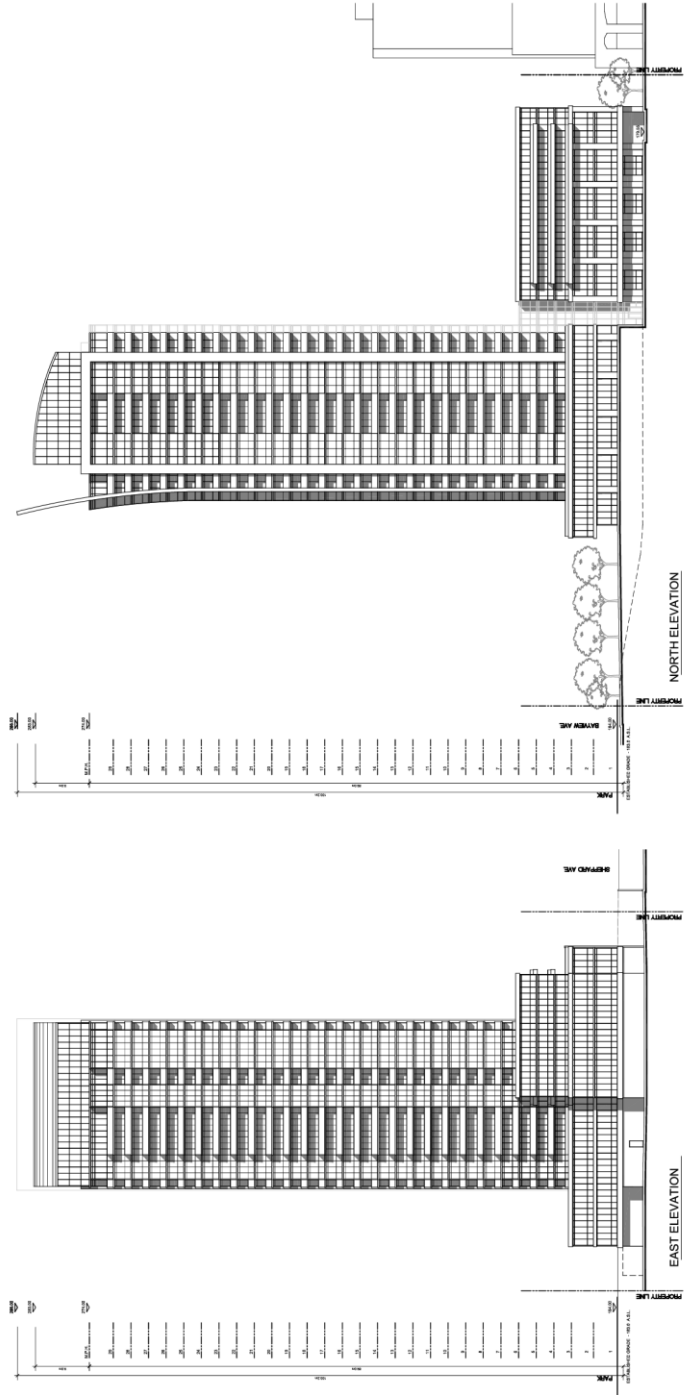
Attachment 1: Lower Ground Floor Plan  
Attachment 2: Upper Ground Floor Plan  
Attachment 3: North and East Elevations  
Attachment 4: South and West Elevations  
Attachment 5: Application Data Sheet  
Attachment 6: Official Plan – Land Use  
Attachment 7: Sheppard East Subway Corridor Secondary Plan, Key Development Areas  
Attachment 8: Sheppard East Subway Corridor Secondary Plan, Specific Development Policies  
Attachment 9: Claitrell Context Plan – Building, Height, and Structure  
Attachment 10: Zoning







**Attachment 3: North and East Elevations**



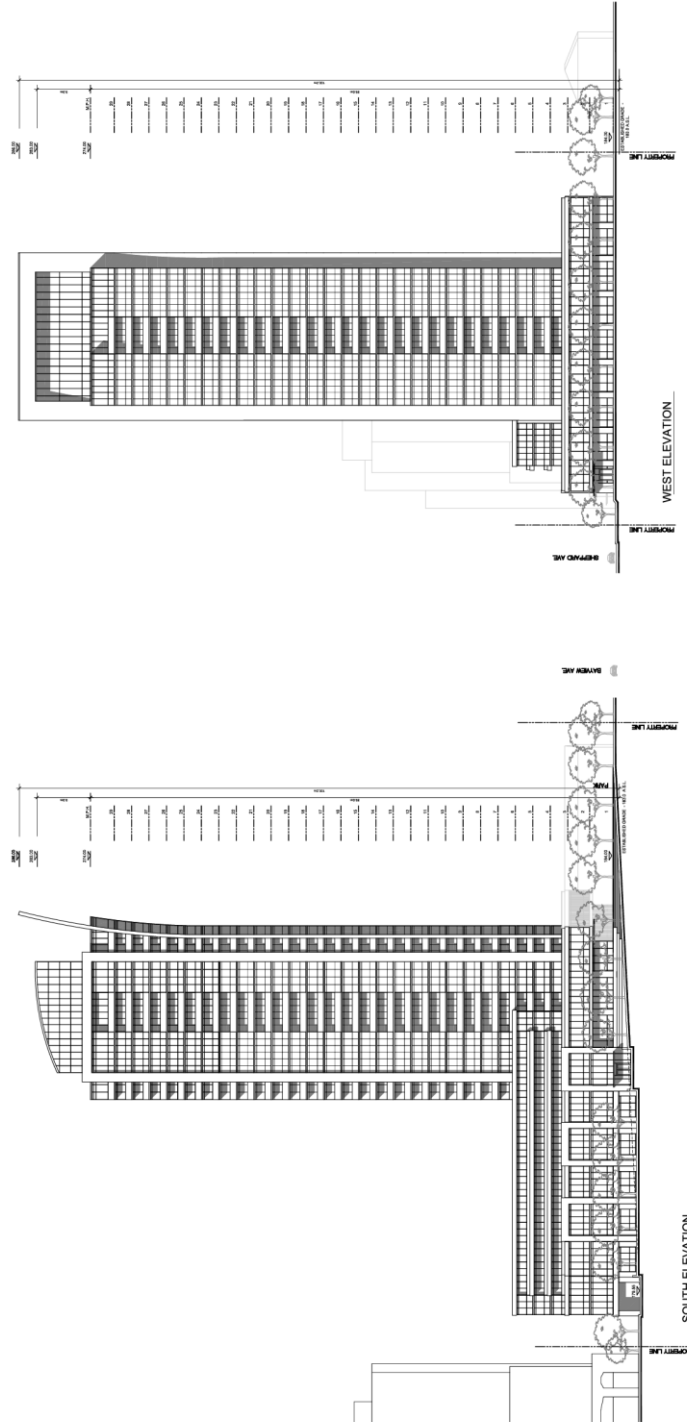
**500 Sheppard Avenue East**

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
06/25/2014

File # 11 173715 NNY 23 0Z

**Attachment 4: South and West Elevations**



**500 Sheppard Avenue East**

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
06/25/2014

File # 11 173715 NMY 23 0Z

## Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 173715 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 13, 2011

Municipal Address: 500 SHEPPARD AVE E  
 Location Description: Northwest corner of Bayview Avenue and Sheppard Avenue East.  
 Project Description: 29 storey mixed use building with 310 dwelling units and 2,998 m<sup>2</sup> of commercial gross floor area.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Sorenson Gravely Lowes Planning Associates Inc. 509 Davenport Rd, Toronto, ON M4V 1B8		Page + Steele 95 St.Clair Ave. W, Toronto, ON M4V 1N6	Mallpaks Development Ltd. 500 Sheppard Ave. E, Suite 303 Toronto, ON M2N 6H7

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	(Section 4.2.2.1) Sheppard East Subway Corridor Secondary Plan
Zoning:	C1	Historical Status:	N
Height Limit (m):	9.2	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	5730.5	Height:	Storeys:	29
Frontage (m):	95		Metres:	91
Depth (m):	60			
Total Ground Floor Area (sq. m):	1470			<b>Total</b>
Total Residential GFA (sq. m):	25058		Parking Spaces:	364
Total Non-Residential GFA (sq. m):	2998		Loading Docks	1
Total GFA (sq. m):	28060			
Lot Coverage Ratio (%):	25.6			
Floor Space Index:	4.76			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Live-work:	5 (1.6%)
1 Bedroom:	186 (60%)
2 Bedroom:	119 (38.4%)
3 + Bedroom:	
Total Units	310

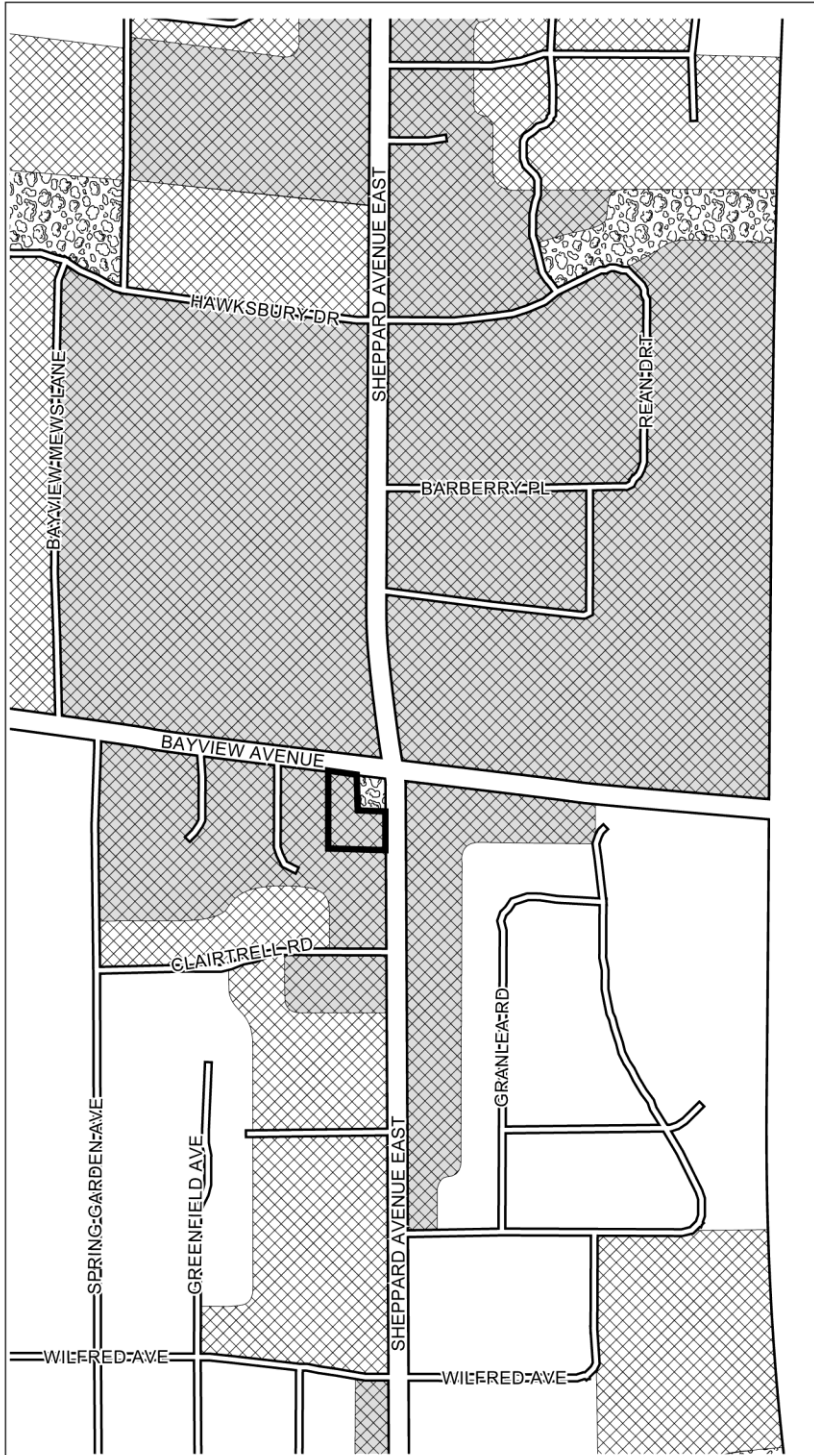
### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	21480	0
Retail GFA (sq. m):	478	0
Office GFA (sq. m):	2520	0
Industrial GFA (sq. m):	0	0

### CONTACT

<b>PLANNER NAME:</b>	<b>Sue McAlpine, Senior Planner</b>
<b>Telephone</b>	<b>(416) 395-7110</b>
<b>Email</b>	<b>smcalpin@toront.ca</b>







Attachment 6: Official Plan – Land Use



500 Sheppard Ave. East

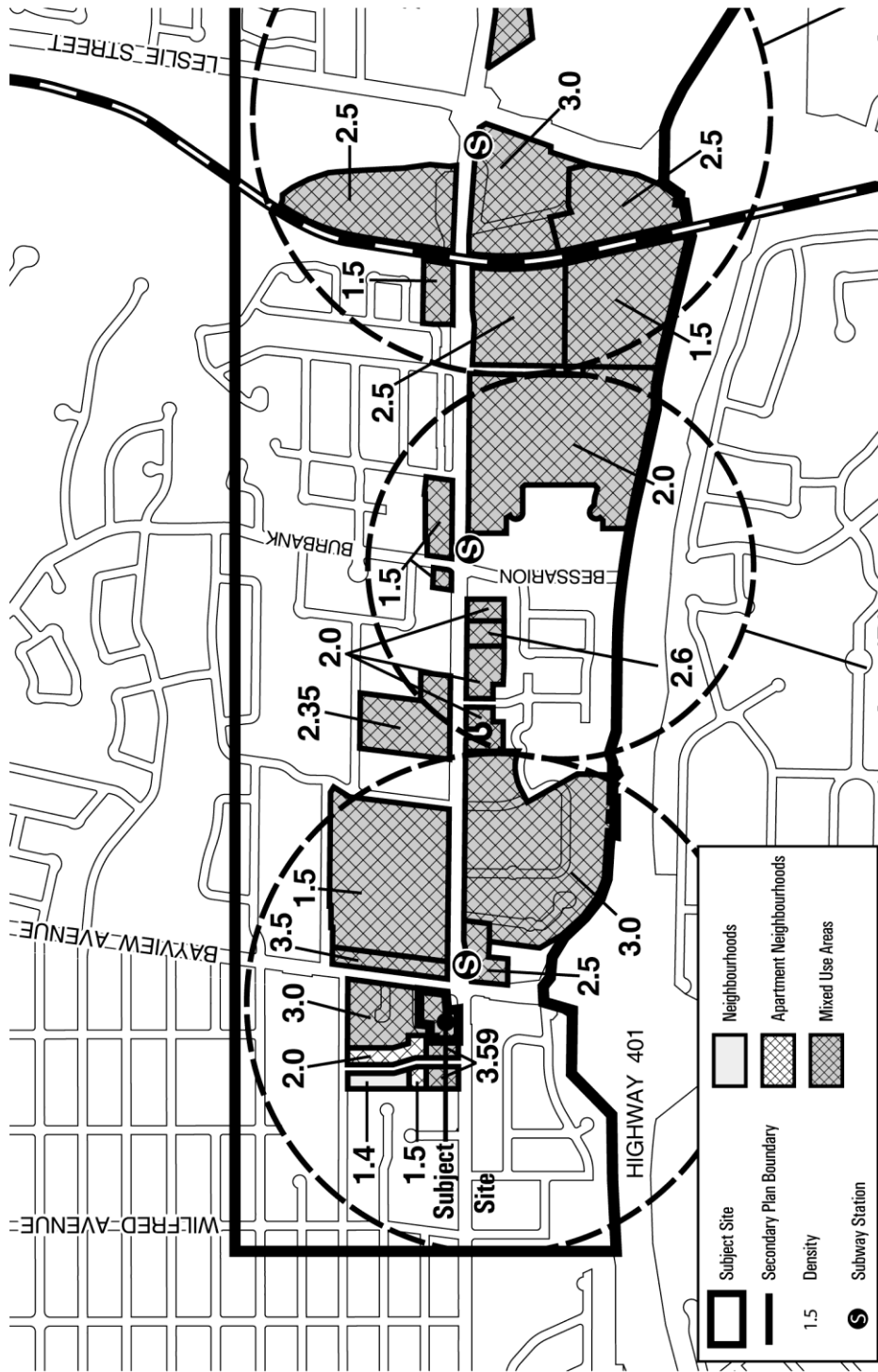
**Toronto** City Planning  
Official Plan

File# 11 173715 MNY 23 0Z

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks

↑  
Not to Scale  
05/17/2011

**Attachment 7: Sheppard East Subway Corridor Secondary Plan,  
Key Development Areas**



**Sheppard East Subway Corridor Secondary Plan**

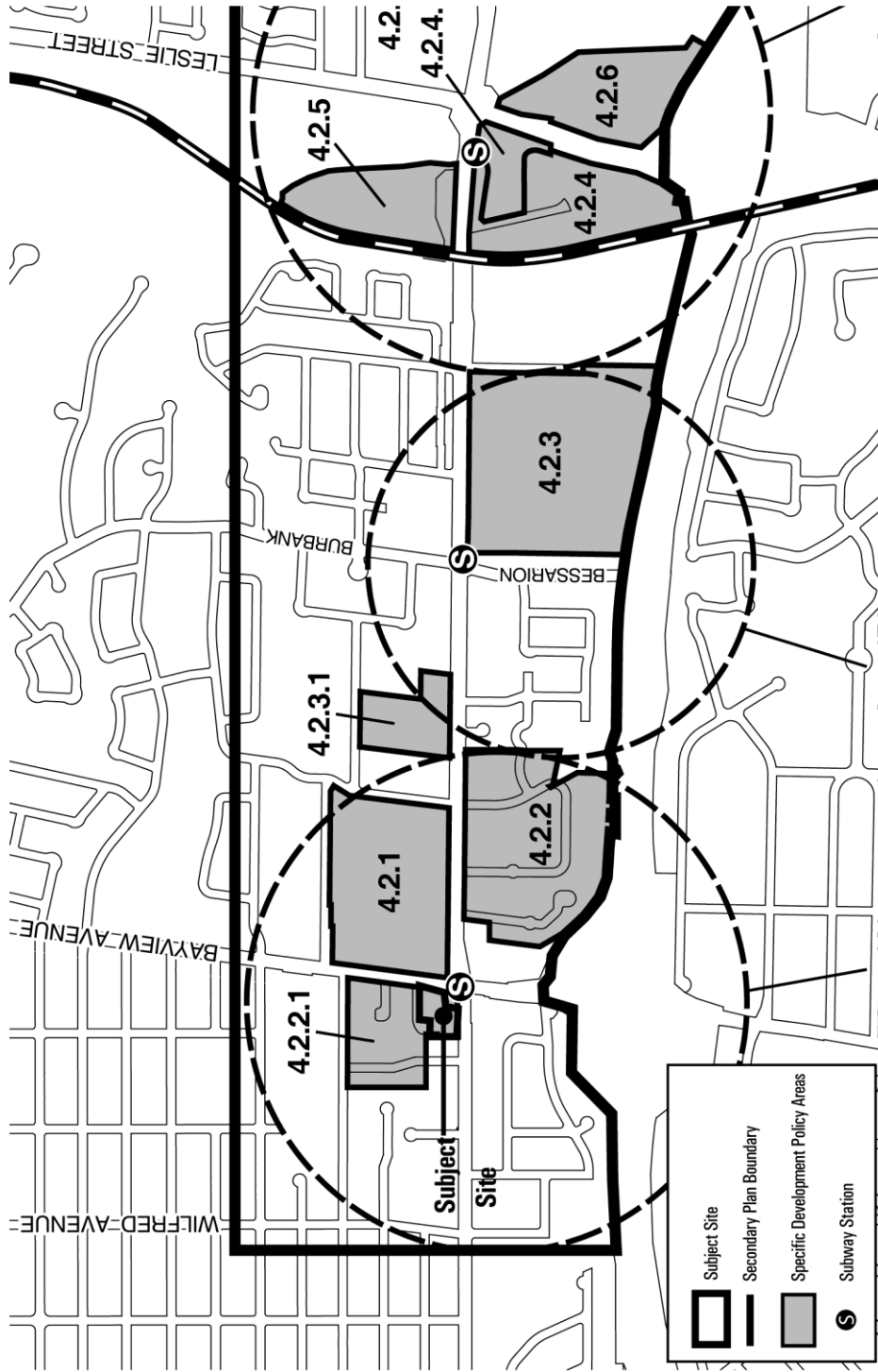
**500 Sheppard Ave. East**

**MAP 9.2 Key Development Areas**

Not to Scale  
05/17/2011

File # 11 173715 MNY 23 0Z

**Attachment 8: Sheppard East Subway Corridor Secondary Plan,  
Specific Development Policies**



	Subject Site
	Secondary Plan Boundary
	Specific Development Policy Areas
	Subway Station

**Sheppard East Subway Corridor Secondary Plan**

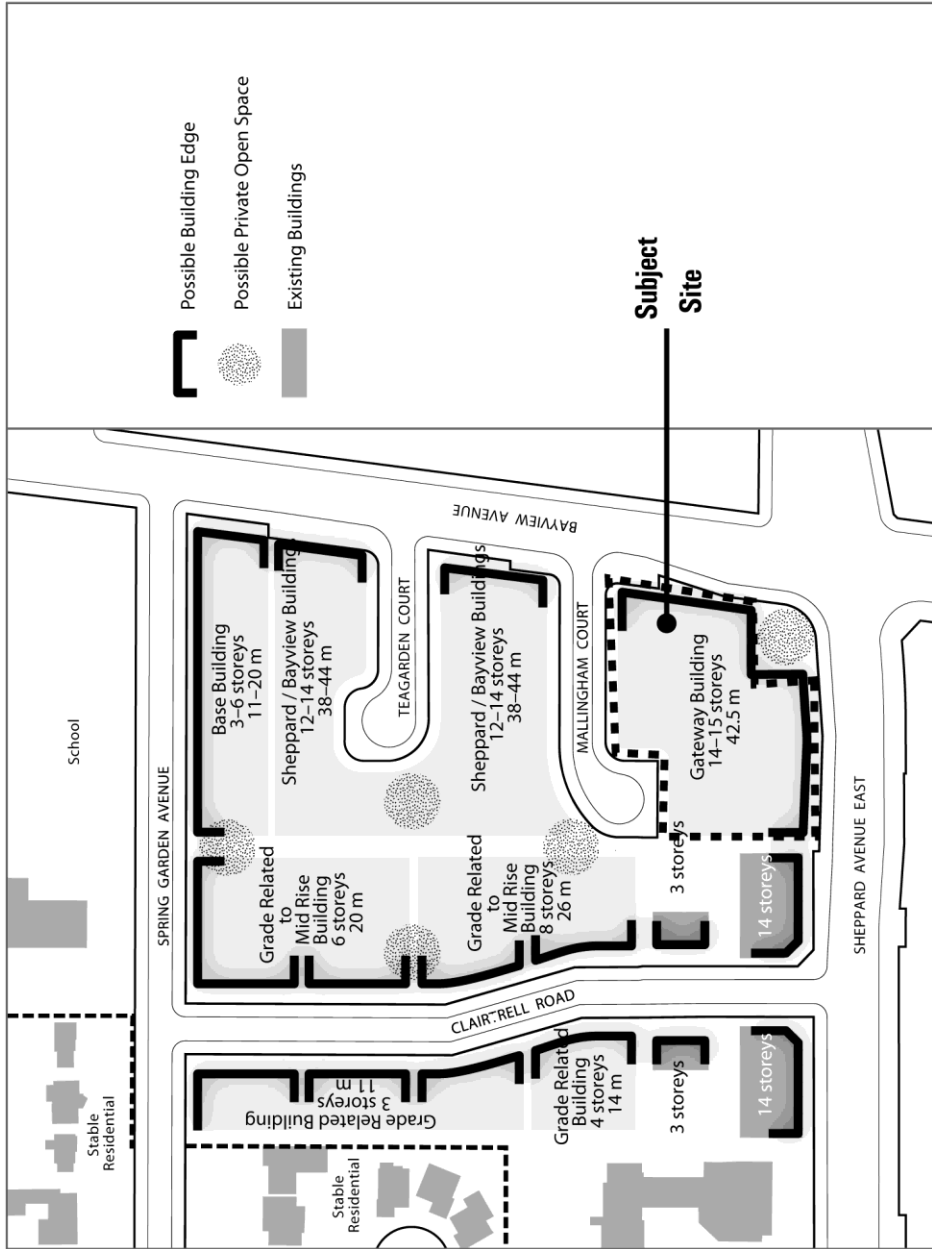
**500 Sheppard Ave. East**

**MAP 9.3 Specific Development Policies**

Not to Scale  
05/17/2011

File # 11 173715 MNY 23 0Z

## Attachment 9: Clairtrell Area Context Plan – Building Height & Structure Diagram



500 Sheppard Ave. East

File # 11 173715 NMY 23 0Z

**Building Height & Structure Diagram**

Clairtrell Area Context Plan

Not to Scale  
05/17/2011





## Attachment 10: Zoning



**500 Sheppard Ave. East**  
 File # 11 173715 NMY 23 0Z



Not to Scale  
 Zoning Bylaw 7625  
 Extracted 05/17/2011

- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C2 Local Shopping Central Zone
- C7 Mixed Use Commercial Zone
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category