

**3220 Sheppard Avenue East – Zoning Amendment
Application – Final Report**

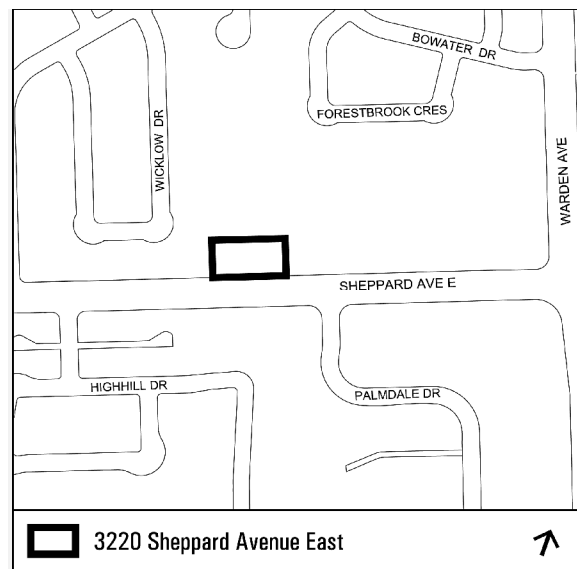
Date:	October 19, 2012
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	11 325998 ESC 40 OZ

SUMMARY

This application proposes to amend the Sullivan Community Zoning By-law No. 10717 of the former City of Scarborough in order to permit a 20-storey apartment building with a 6-storey podium on the lands known as 3220 Sheppard Avenue East. Four levels of underground parking are proposed with vehicular access directly from Sheppard Avenue East.

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

This report reviews and recommends approval of the application to amend the zoning by-law, including the requirement for community benefits in return for the increased height and density, in keeping with the provisions of Section 37 of the Planning Act and the policies of the official plan.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Sullivan Community Zoning By-law No. 10717, as amended, for the lands at 3220 Sheppard Avenue East substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 8 to the report (October 19, 2012) from the Director, Community Planning, Scarborough District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to enter into an agreement pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense:
 - a. A cash payment of \$200,000.00, payable to the City of Toronto, prior to the issuance of the first above-grade building permit, to be used towards capital improvements to the Agincourt District Branch of the Toronto Public Library (minimum \$150,000.00) and the provision of branded street name signage for the Bridlewood Community. This payment shall be indexed from the date of the execution of the agreement in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto.

As a matter of legal convenience, it is also recommended that the Section 37 agreement include a requirement that all offers and agreements of purchase and sale entered into shall include a warning clause advising of the potential future access restrictions to Sheppard Avenue East.

- b. The owner to provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An application to amend the zoning by-law was submitted in 2003 for a 21-storey apartment building. Detailed discussions between City staff and the applicant took place; however, the application was withdrawn in 2006 and replaced with a new proposal for a single-storey retail plaza. This proposal also did not proceed and the related site plan application was closed upon the submission of the current application.

ISSUE BACKGROUND

Sheppard/Warden Avenue Study

The Sheppard/Warden Avenue Study began in November 2009 and focused on the segment of Sheppard Avenue East by Warden Avenue, between the former hydro corridor to the west and Bay Mills Boulevard to the east. The purpose of the Avenue Study was to identify a vision for future development along the corridor, as well as to develop an implementation program to achieve this vision. The study was completed earlier this year and the staff report can be found at <http://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-43418.pdf>

The Avenue Study identified:

- where and how high-rise and mid-rise, mixed-use buildings can be located;
- how the streetscape and pedestrian environment can be improved;
- where public open spaces may be created and existing parks improved;
- locations for new streets and lanes; and
- how use of the road allowance(s) can be optimized and transit service enhanced.

City staff, the Ward Councillor, the City's consultants, and members of the local community worked together to develop this implementation framework and official plan and zoning by-law amendments were adopted to provide both a framework and appropriate development standards for new development within the study area. The applicants were active participants in the study.

Proposal

The proposal consists of a 20-storey (66 metres) residential apartment tower with a six-storey podium which extends westerly on the site. A total of 230 dwelling units are proposed, including 6, two-storey townhouse units within the podium. Condominium tenure is proposed. No retail or other commercial tenancy is intended.

A total of 288 parking spaces will be provided within a 4-level underground garage. No surface parking is proposed.

The residential unit mix is comprised of 4 bachelor units, 128 one-bedroom units and 98 two-bedroom units.

The total proposed gross floor area is 20,645 square metres or approximately 5.3 times the area of the lot. See Attachment 7 (Application Data Sheet) for additional project details.

Site and Surrounding Area

The site is located on the north side of Sheppard Avenue East, approximately 350 metres west of Warden Avenue. The site is approximately 0.36 hectares (0.9 acres) in area and has approximately 84 metres (275 feet) of frontage on Sheppard Avenue East. The lands are vacant and were formerly part of a hydro transmission corridor running north/south.

Abutting uses are as follows:

North: City-owned and managed stormwater management facility;
South: 2 to 3-storey commercial/office buildings on the south side of Sheppard Avenue East;
Southeast: 17-storey apartment building at the southeast corner of Sheppard Avenue East and Palmdale Drive;
Southwest: single-detached residential dwellings on the south side of Sheppard Avenue East;
East: single-storey restaurant (Red Lobster) and associated surface parking; and
West: Enbridge gas utility corridor (approximately 13.5 metres wide), with single-detached residential dwellings further west on Wicklow Drive.

The site is encumbered by a 5.0 metre wide easement that runs north from Sheppard Avenue East, permitting the City to access the stormwater facility to the north.

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

On the Urban Structure Map (Map 2) to the Official Plan, the site is shown as part of an "Avenue" which applies to the lands on Sheppard Avenue East, from Yonge Street to just east of Brimley Road. "Avenues", generally, are areas where new, incremental growth can occur along major streets where there are reurbanization opportunities supported by public transit.

The site is designated as "Mixed Use Areas" on the Land Use Plan. Mixed Use Areas are made up of 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.

The official plan also contains policies related to appropriate transitions in building scale and minimizing shadow impacts on adjacent lower-scale Neighbourhoods, the desire for new development to be massed to define the edges of streets with good proportion and to maintain adequate sunlight and to ensure comfortable wind conditions for pedestrians, among other matters.

As a result of the Sheppard/Warden Avenue Study, the City adopted Official Plan Amendment No. 143 which placed the entire study area into Site and Area Specific Policy No. 373 (see Attachment 6). Mid-rise buildings are intended to be the predominate form of new development with similar development criteria to that already established by the plan. A Tall Building Zone has been established within the first 50 metres of the north side of Sheppard Avenue, west of Warden Avenue (see Attachment 6). Among other matters, tall buildings are required to adhere to a 45 degree angular plane taken from the lot line abutting stable low density residential neighbourhoods. The subject lands are located entirely within the Tall Building Zone, meaning tall buildings in a point tower form may be considered.

The official plan also contains policies related to height and/or density incentives and permits zoning by-laws, under Section 37 of the Planning Act, to be passed to permit more height and/or density for a use than is otherwise permitted by the zoning by-law for that use in return for the provision of community benefits to be set out in the zoning by-law.

Zoning

The lands are zoned Commercial-Residential (CR) which is a result of the City-initiated zoning amendment related to the recently completed Sheppard/Warden Avenues Study. This zone implements many of the directives of the study and the policies of the official plan. The CR zone permits a wide range of commercial uses as well as residential uses while prohibiting uses related to vehicle service, sales and repair and grade-related residential uses.

Site Plan Control

The subject lands are under site plan control. A site plan application has been filed which has informed the review of the zoning application and many of the performance standards contained within the draft by-law. Details related to landscaping and lighting, among other matters, and many of the required Tier 1 performance measures of the Toronto Green Standard will be secured during the site plan approval process.

Sheppard East LRT

The Toronto Light Rail Transit (LRT) Plan is part of the regional transit plan (The Big Move) for the Greater Toronto Area (GTA) which is overseen by Metrolinx. The Sheppard East LRT is part of this plan and it has been endorsed by both Metrolinx and City Council. The LRT line is proposed to extend from Don Mills Station to Conlins Road and is proposed to be completed by 2021. An LRT stop is proposed at Palmdale Drive which is just east of the site.

Enbridge Gas Pipeline

Enbridge is currently investigating options to upgrade the existing natural gas distribution system to meet growth demands in the GTA. One of the segments being considered includes the utility corridor adjacent to the subject lands. Further information on the project can be found at www.enbridgegas.com/gtaproject.

Enbridge has advised that they have no concern with the development as far as physical separation from their pipeline is concerned given the relocated City service easement results in a 5-metre west side yard setback to the proposed development.

Reasons for Application

The existing Commercial–Residential zoning does not permit the proposed height and density of development. The recently completed Avenue Study zoned the site for the intended use but, in keeping with the planning framework established, site specific zoning amendments are required on suitable candidate sites where tall buildings may be considered. The zoning by-law amendment allows for appropriate performance standards to be established.

Community Consultation

A community consultation meeting was held on March 27, 2012 and was attended by the Ward Councillor, the applicants and their representatives, City Planning staff and approximately 35 members of the public. Notice was given to landowners and residents within 400 metres of the site and the additional notice costs were borne by the applicants, in keeping with the direction of Scarborough Community Council.

Issues discussed related to the planning process, the preceding Sheppard/Warden Avenue Study, transit, parking and traffic impacts.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

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

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

Design Review Panel

The proposal was considered by the Design Review Panel on April 16, 2012. The project was well received and the consensus was that the proposal set a responsible tone for the area and had appropriate massing, an urban sensibility and well resolved site plan characteristics. The panel felt that some refinements were required to the edges of the development and that the main entrance breezeway could be improved. Minutes of the meeting can be found at http://www.toronto.ca/planning/2012/agendas/pdf/drp_minutes_16apr12.pdf

Staff continue to work with the applicants to address the comments of the panel and these will be secured through the site plan approval process. These include securing materials (eg. masonry) used on the podium, podium breezeway and main entrance.

Land Use

The proposed residential use of the site is provided for in the Mixed Use Areas designation of the official plan. The proposed intensification of this site, along an identified "Avenues", is appropriate and the proposal addresses the development criteria established in the official plan related to built form and use, parking and amenity space, among other matters, as discussed further in this report.

Height, Massing, Density

The proposed building height of 20 storeys (65 metres) is appropriate for the site. The presence of the stormwater facility immediately to the north, the spatial separation of the stable residential neighbourhoods to the west on Wicklow Drive (as discussed later in this section) and to the northeast on Forestbrook Crescent which is a function of the deep nearby lots on Sheppard Avenue East, all combine to create a unique site context that can support the height of development. As noted earlier in this report, a 17-storey apartment building is located at the southeast corner of Sheppard Avenue and Palmdale Drive and an 18-storey apartment building is also located at 270 Palmdale Drive, just south of Sheppard Avenue East.

The proposed building is appropriately massed to frame Sheppard Avenue East by locating the main building walls parallel to the street edge and through the extension of the 6-storey podium westerly on the site. The inclusion of three townhouse units facing Sheppard Avenue, each with individual walkways and entrances, serves to further emphasize the Sheppard Avenue frontage of the site.

The tower floor plate is 750 square metres which is in keeping with the Tall Buildings Guidelines.

The articulation and massing of the building has been designed to step back from the south (Sheppard) and east property lines as the building increases in height. A 12.5 metre east side yard setback is required to be provided above the sixth storey. This is to ensure that a minimum 25-metre tower spatial separation (as desired by the Tall Building Guidelines) can be achieved in the future should new development proposed on the adjacent site to the east also include a tall building. The intention being that each site provide a side yard setback of 12.5 metres which, when combined, equal the desired minimum tower separation.

In terms of the west side yard, a 5.0 metre setback is proposed as a result of the need to relocate an existing 5-metre wide City service easement to this location. Coupled with the adjacent Enbridge Gas utility easement, this results in a building setback in excess of 18 metres from the rear of the residential lots on Wicklow Drive to the west. The proposed development adheres to a 45-degree angular plane taken from the rear of these lots as required by the policies of the official plan (see Attachment 2).

The existing zoning requires that the first floor have a minimum height of 4.5 metres. This performance standard will be maintained despite no commercial occupancy intended for the development.

The proposed density of development is approximately 5.3 FSI (floor space index). This density is considered acceptable given the careful consideration given to built form, height and massing, site context, the absence of any significant off-site impacts and the relatively small site area.

Sun, Shadow, Wind

A sun shadow study, prepared by Burka Architects Inc., was reviewed by City Planning staff who are satisfied that the level of shadowing on nearby properties will be limited and that no building or site will have continuous or prolonged shadow.

The pedestrian level wind study submitted concludes that the development's stepped facades, podium and other design features will contribute to anticipated pedestrian comfort conditions suitable to the context. Where mitigation is necessary, it is achieved through the use of parapets, canopies, balconies, landscaping and fencing. Further mitigation of wind conditions in the breezeway that leads to the main entrance is required and this will be addressed through the site plan approval process.

Residential Amenity Space

The official plan requires every significant multi-unit residential development to provide indoor and outdoor amenity space. The policies direct that each resident will have access to outdoor amenity space such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

The existing Commercial-Residential (CR) zone requires that buildings with 20 or more dwelling units shall provide amenity space at a minimum rate of 4.0 square metres per dwelling unit, of which a minimum 2.0 square metres shall be indoor amenity space. The development is required to meet this performance standard. Based upon 230 dwelling units being proposed, a total of 460 square metres of indoor amenity space is required.

Outdoor amenity space is proposed on the roof of the 6-storey podium, in conjunction with the required green roof. Details will be secured through the site plan approval process. The current plans propose a raised pool, surrounding deck area and landscaped planters.

In addition, each of the townhouse units has a private patio and all apartment units have a private balcony or a private terrace.

Traffic Impact, Access, Parking

Vehicle access to the site is proposed via a new driveway connection to Sheppard Avenue East located near the centre of the site and approximately 100 metres west of Palmdale Drive. The driveway extends under a 2-storey breezeway (see Attachment 2) which is part of the podium and leads to a drop-off area, loading area, and underground parking ramp. The driveway will have full moves access. Construction of the Sheppard East LRT will result in vehicle turn movements being restricted to right-in/right-out only. As a matter of legal convenience, the Section 37 agreement will require that all offers and agreements of purchase and sale entered into shall include a warning clause advising of the potential future access restrictions to Sheppard Avenue East.

A total of 288 parking spaces are proposed, all of which are contained within 4 levels of underground parking. Eight accessible parking spaces are proposed.

The existing CR zone establishes a minimum and maximum vehicle parking rate for residential uses based upon the number of bedrooms per dwelling unit. Visitor parking is required to be provided at a rate of 0.15 parking spaces per dwelling unit. The parking proposed is in keeping with these rates.

Streetscape

The development will create a strong street edge on Sheppard Avenue East with a proposed building setback of 4.5 metres. This is in keeping with the Avenue Study which requires a minimum 3-metre and a maximum 5-metre setback. The main entrance to the apartment tower will be directly accessible from the public sidewalk within the Sheppard Avenue boulevard. Each of the three integrated townhouse units facing Sheppard Avenue have individual entrances and walkways connecting directly to the Sheppard sidewalk and each also has a raised outdoor front patio area.

The proposed main lobby and the private indoor amenity space on the ground floor should also serve to animate the street and have the potential to provide pedestrian interest in the absence of grade-related retail space.

There are no existing street trees within the adjacent Sheppard Avenue boulevard. Improvements to the adjacent boulevard will be secured through the site plan approval process and are influenced by the detailed boulevard design related to the Sheppard East LRT.

Servicing

A functional servicing report and a stormwater management report were submitted which provide information on storm drainage, stormwater management, sanitary and storm servicing and water supply. The reports conclude that the development can be adequately serviced by connection to the existing storm, sanitary and water services available in the area.

As noted earlier, there is a storm relief facility located immediately to the north of the site. This facility serves as flood control during major storm events for the Sullivan subdivision which was developed in the former hydro transmission corridor in 2001. The development site itself is a block within this subdivision.

There is an existing storm sewer on Sheppard Avenue. This sewer is connected to the storm relief facility to the north of the development site. As a result, in major storm events, storm water discharged from the site will outlet to the existing facility.

Stormwater quantity control is achieved through roof storage and a holding tank contained in the underground parking garage. Landscaped areas as well as the green roof will provide for rain water re-use and retention.

An existing 5.0 metre easement permitting the City to access the storm relief facility to the north is required to be relocated to the west side of the site. This easement will be secured through the site plan approval process.

Parkland

The official plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law No. 1420-2007.

At the alternative rate of 0.4 hectares per 300 units specified in By-law No. 1420-227, the parkland dedication would be 0.3066 hectares (3,066 square metres) which equates to 84% of the site. However, a cap of 10% applies and hence the parkland dedication would be 0.0363 hectares (363 square metres).

The parkland dedication for the subject site is too small to be functional. Accordingly, the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

City Council, as part of the Sheppard/Warden Avenue Study, directed Parks, Forestry and Recreation staff to direct the alternative parks levy above the first 5%, arising from developments in the Sheppard Avenue Study Area towards parks or other recreational purposes in the Tam O'Shanter Community or the Sullivan Community within, or in close proximity to the study area, in consultation with the Ward Councillor.

Tree Planting and Protection

Five of the six trees (all Norway Maples) on site qualify for protection under the Private Tree By-law. All of the trees are required to be removed to accommodate the development. Adequate replacement tree planting will be secured through the site plan approval process. Based upon the standard requirement, Urban Forestry requires that 15 new trees be planted on site to replace the five private protected trees proposed for removal at a replacement ratio of 3 to 1. Only large growing shade trees are acceptable as replacement trees. If adequate replacement tree planting cannot be secured on site then a cash-in-lieu payment will be required. A number of private trees on the adjacent restaurant site may be impacted by the proposed development. Adequate tree protection measures are required. If injury to some trees is anticipated then a letter of consent from the site owner is required.

As noted earlier, there are no existing street trees. New street tree planting is proposed (minimum 5 trees). The number and location of street trees will be determined during the site plan approval process and tree planting security deposits will be required.

Toronto Green Standard

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

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

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

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

No change to the vehicle parking rates is proposed. An amendment to the bicycle parking rate is proposed to make it consistent with the Tier 1 requirements. Locational requirements for short term (visitor) bicycle parking rates are proposed to be secured through the site plan process rather than being a by-law requirement.

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

The development is subject to the Green Roof By-law. A green roof is proposed on the roof of the six-storey podium. Based upon the size of the building, 60% of the available roof space is required to be covered by a green roof. The Green Roof By-law is administered by Toronto Building.

Energy efficiency requirements of the Ontario Building Code apply to this development and will be secured through the building permit process.

Section 37

In return for the increase in height and density proposed, Section 37 community benefits have been negotiated with the applicants in consultation with the Ward Councillor.

The community benefits recommended to be secured in a Section 37 agreement is a cash payment of \$200,000 to be used towards capital improvements to the Agincourt District Branch of the Toronto Public Library (estimated cost of \$150,000) and the provision of branded street name signage for the Bridlewood Community. This contribution is required to be indexed and is payable prior to the issuance of the first above-grade building permit.

As a matter of legal convenience, it is also recommended that the Section 37 agreement include a requirement that all offers and agreements of purchase and sale entered into shall include a warning clause advising of the potential future access restrictions to Sheppard Avenue East.

Before introducing the zoning Bill to City Council for enactment, it is recommended that the owner be required to execute the agreement and provide a title opinion to the City for the agreement's registration to the satisfaction of the City Solicitor.

CONTACT

Doug Muirhead, Senior Planner
Tel. No. (416) 396-7029
Fax No. (416) 396-4265
E-mail: dmuirhe@toronto.ca

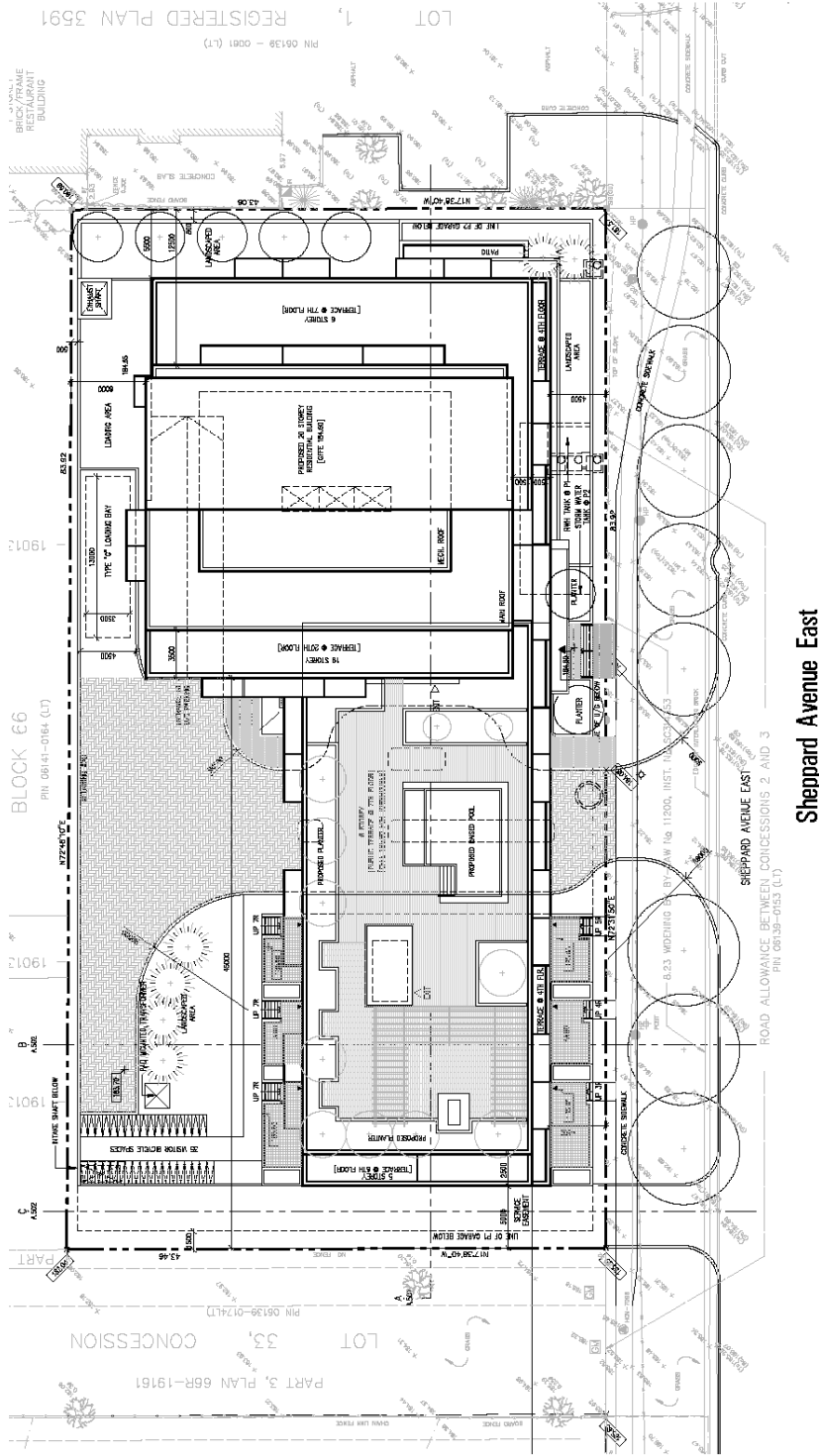
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations (South)
Attachment 3: Elevations (North)
Attachment 4: Elevations (East/West)
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



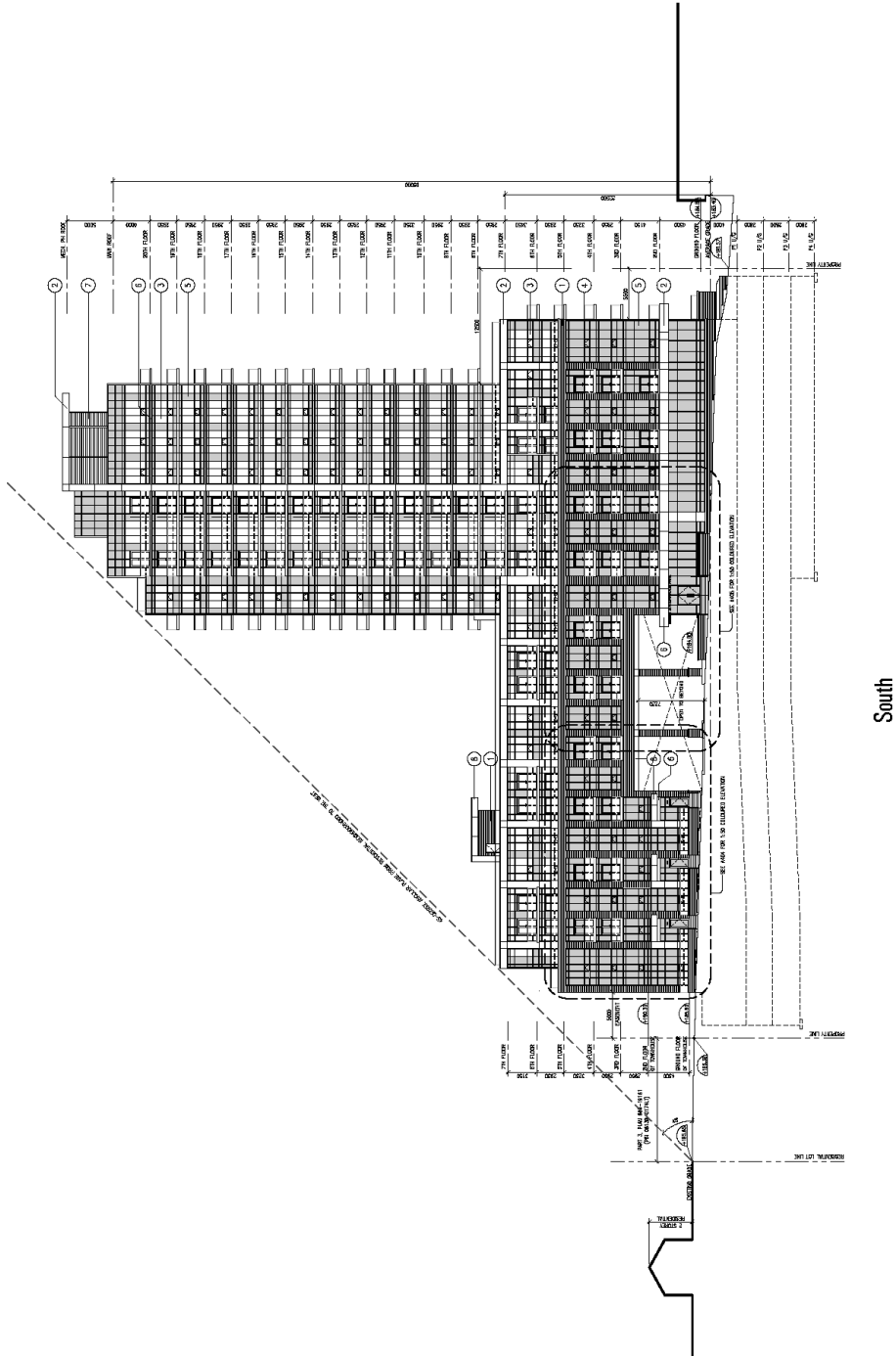
3220 Sheppard Avenue East

Site Plan
 Applicant's Submitted Drawing

File # 11 325998 02

Not to Scale
 9/17/2012

Attachment 2: Elevations (South)



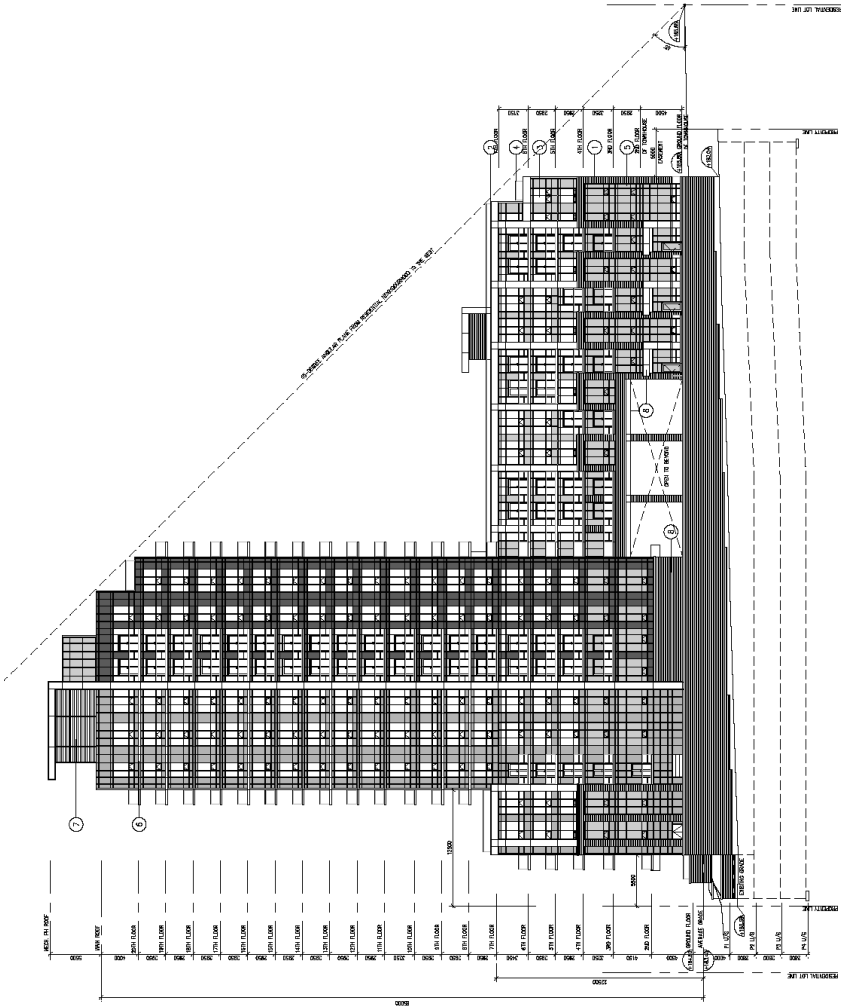
3220 Sheppard Avenue East

File # 11 325998 0Z

Elevations
 Applicant's Submitted Drawing

Not to Scale
 9/17/2012

Attachment 3: Elevations (North)



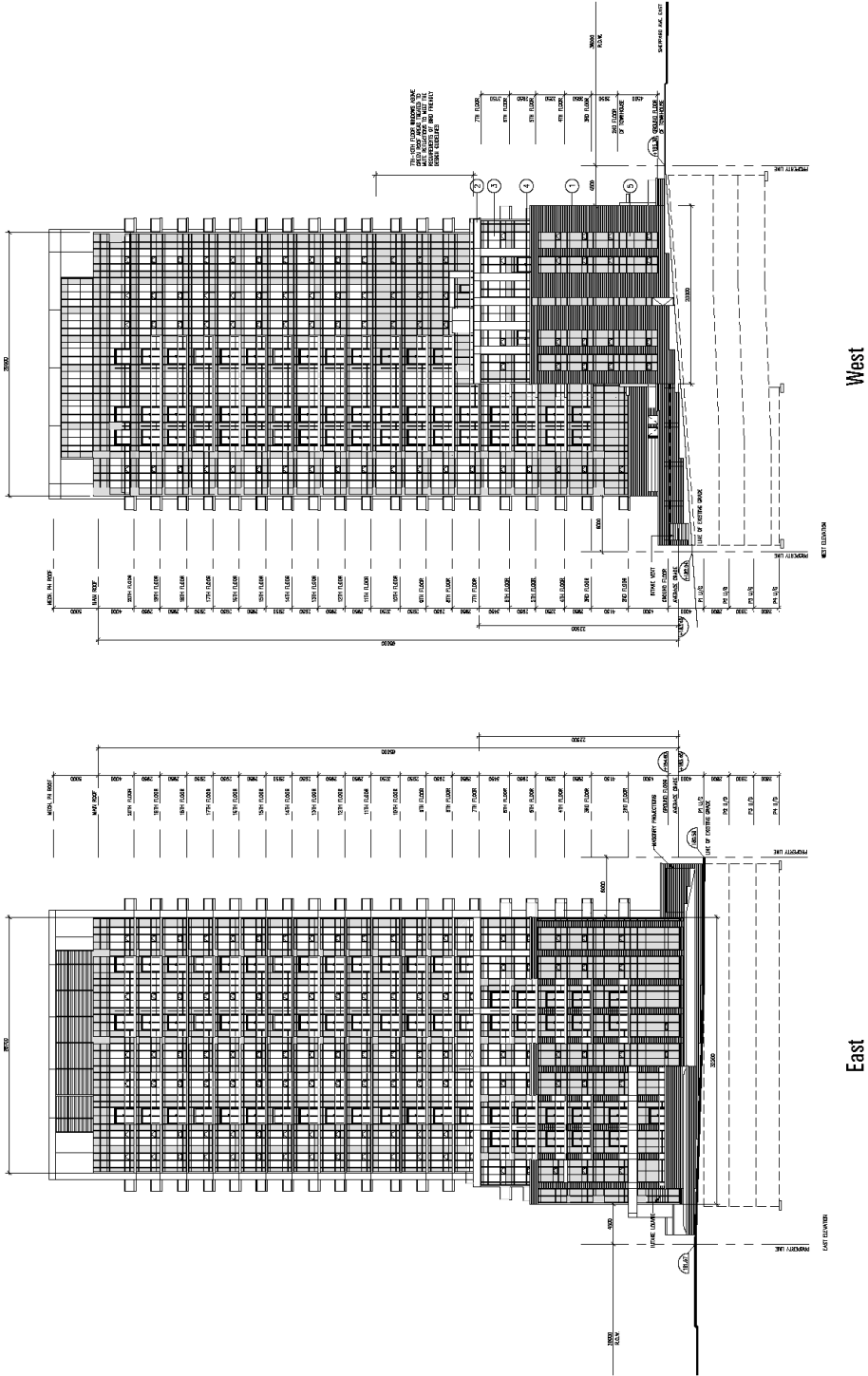
North

3220 Sheppard Avenue East

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 9/17/2012

File # 11 325998 0Z

Attachment 4: Elevations (East/West)



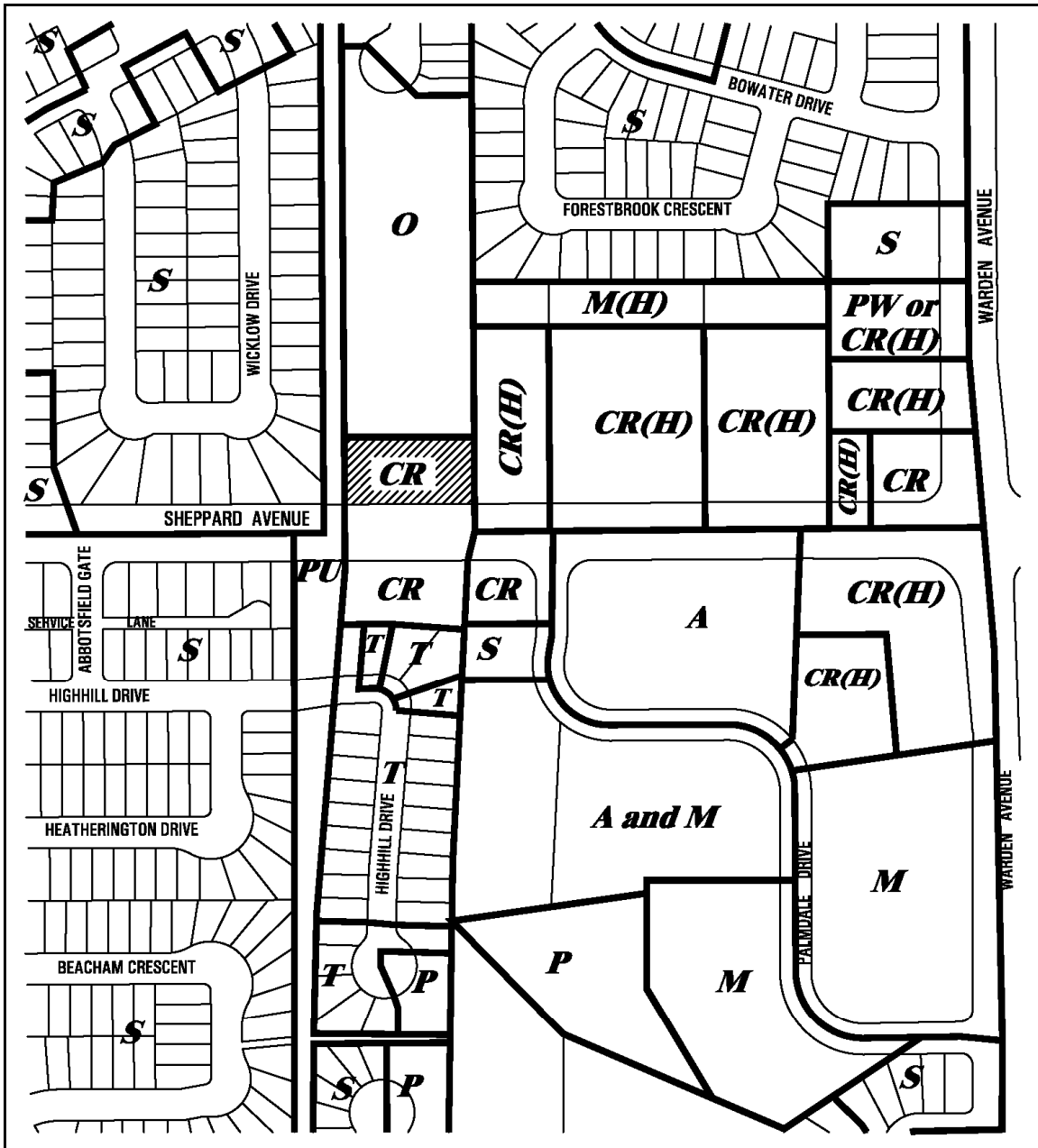
3220 Sheppard Avenue East

File # 11 325998 0Z

Elevations
 Applicant's Submitted Drawing

Not to Scale
 9/17/2012

Attachment 5: Zoning



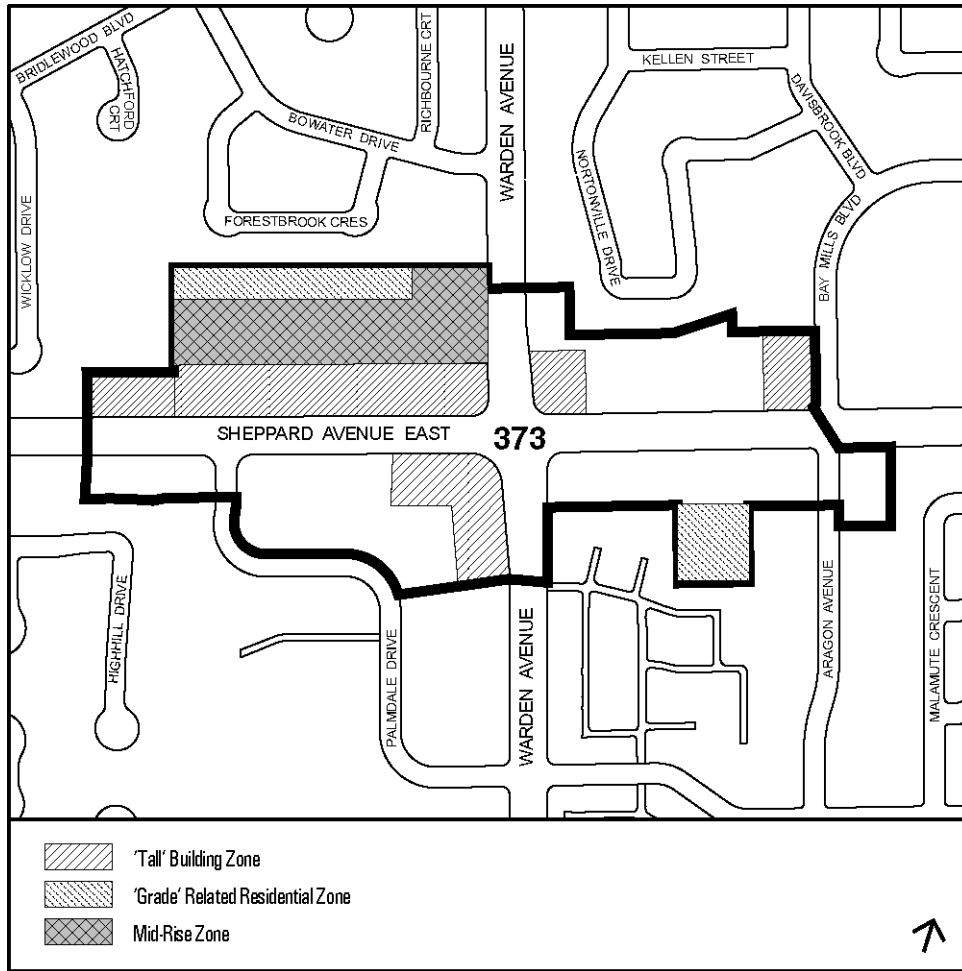
Toronto City Planning
Division
Zoning

3220 Sheppard Avenue East

File # 11-325998 0Z

S Single-Family Residential	NC Neighbourhood Commercial	PW Place(s) Of Worship	Sullivan Community Bylaw Not to Scale 9/20/12
T Two-Family Residential	CC Community Commercial	O Major Open Spaces	
M Multiple-Family Residential	HC Highway Commercial	OU Office Uses	
A Apartment Residential	CR Commercial-Residential	PU Public Utilities	
		P Park	

Attachment 6: Official Plan



Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 325998 ESC 40 OZ
Details	Rezoning, Standard	Application Date:	December 14, 2011

Municipal Address: 3220 SHEPPARD AVE E
 Location Description: PLAN 66M2359 BLK 67 **GRID E4001
 Project Description: Proposed 20 storey, 230 unit residential apartment building.

Applicant:	Agent:	Architect:	Owner:
M BEHAR PLANNING & DESIGN INC		BURKA ARCHITECTS INC.	1501858 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	373
Zoning:	CR	Historical Status:	N/A
Height Limit (m):	Min. 10.5 Max. 36	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3,630	Height:	Storeys:	20
Frontage (m):	84		Metres:	66
Depth (m):	43			
Total Ground Floor Area (sq. m):	1,510			Total
Total Residential GFA (sq. m):	19,207		Parking Spaces:	288
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	19,207			
Lot Coverage Ratio (%):	41.5			
Floor Space Index:	5.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	4
1 Bedroom:	128
2 Bedroom:	98
3 + Bedroom:	0
Total Units:	230

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	20,645	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Doug Muirhead, Senior Planner
TELEPHONE: 416-396-7029

Attachment 8: Draft Zoning By-law Amendment

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the former City of Scarborough Zoning By-law No. 10717 (Sullivan Community), as amended, with respect to the lands municipally known as 3220 Sheppard Avenue East

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

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

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

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 10717, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this Bylaw and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

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

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

1. **SCHEDULE 'A'** of the Sullivan Community Zoning By-law No. 10717 is amended by deleting the current zoning provision for the lands known as 3220 Sheppard Avenue East and replacing them with the following provisions as shown on Schedule '1' attached hereto and forming part of this by-law:

CR-128-129-130-131-134-135-136-137-212-307-312-313-314-316-321-322-332-336-406-450-451-476-477

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

MISCELLANEOUS

137. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 15, **Lands Not Covered by Buildings** shall not apply.

INTENSITY OF USE

212. i) **Gross Floor Area** means the area of all floors, including mezzanine floors, but excludes required indoor **amenity space; bicycle parking space;** parking structures including ramps and **driveways;** loading areas; **utility rooms;** rooftop mechanical penthouse; elevator shafts; stairwells; garbage and recycling material shafts; and below grade **floor area**, including basements.
- ii) Maximum **Gross Floor Area** 5.4 times the area of the lot or parcel.
- iii) Maximum 230 **dwelling units**.

BUILDING SETBACKS

336. Building **setbacks** shall be provided as follows:

- i) Minimum building **setback** of 5.5 metres from the east property line to the first through sixth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**.
- ii) Minimum building **setback** of 12.5 metres from the east property line to the seventh through twentieth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback** and shall not be considered

part of the **main wall**.

A seventh floor roof terrace may project a maximum of 7.0 metres and shall not be considered part of the **main wall**.

- iii) Minimum building **setback** of 5.0 metres from the west property line.
- iv) Minimum building **setback** of 3.0 metres from the Sheppard Avenue East **street** line.
- v) Maximum building **setback** of 4.5 metres for the first through fourth **storeys** above grade.
- vi) Minimum building **setbacks** shall not apply to underground structures

HEIGHT

- 406. Minimum **height** of 10.5 m and a maximum **height** of 66.0 m, excluding **basements** and rooftop mechanical penthouses.

BICYCLE PARKING

- 477. (i) **Bicycle parking spaces** shall be provided at a rate of:
 - (a) 0.6 long term **bicycle parking spaces** for each **dwelling unit**;
 - (b) 0.15 short term **bicycle parking spaces** for each **dwelling unit**.
- (ii) Meaning of Long-Term **Bicycle Parking Spaces** and Short-Term **Bicycle Parking Spaces**:
 - (a) Long-Term **bicycle parking spaces** are **bicycle parking spaces** for use by the occupants or tenants of a building; and
 - (b) Short-Term **bicycle parking spaces** are **bicycle parking spaces** for use by visitors to a building.
- (iii) Long-Term **bicycle parking spaces** must be located in a secure, weather protected and enclosed bicycle parking area.
- (iv) A **bicycle parking space** must be located on the same lot as the use for which it is required.
- (v) **Bicycle parking spaces** for a **dwelling unit** shall not be located:

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

3. **SCHEDULE 'C', EXCEPTIONS LIST**, is amended by adding the following **EXCEPTIONS** to the lands as shown outlined on Schedule '2' to this By-law.

37. On those lands identified as Exception 37 on Schedule "C", the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Apartment Building**
- **Townhouse Dwellings**
- **Personal Service Shops**
- Restaurants
- Retail Stores

(b) **Townhouse Dwellings** shall mean a row of three or more **dwelling units** provided as part of an **apartment building** that are vertically separated and each **dwelling unit** shall have external access to the building at grade.

(c) **Personal Service Shops**, Restaurants and Retail stores shall only be permitted on the ground floor of an **apartment building**.

38. On those lands identified as Exception 38 on Schedule "C", the following provisions shall apply:

Pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense:

(1) prior to the issuance of the first above grade building permit, the Owner shall:

- (i) make a cash payment to the City of \$200,000.00, together with any increases to reflect increases in the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of the Section 37 agreement, towards capital improvements to the Agincourt District Branch of the Toronto Public Library (minimum

\$150,000.00) and the provision of branded street name signage for the Bridlewood Community or towards other capital facilities as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.

- (2) the Owner of the lands shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended which are registered on title to the lands by the City to secure the matters provided for in 1 (i) above.

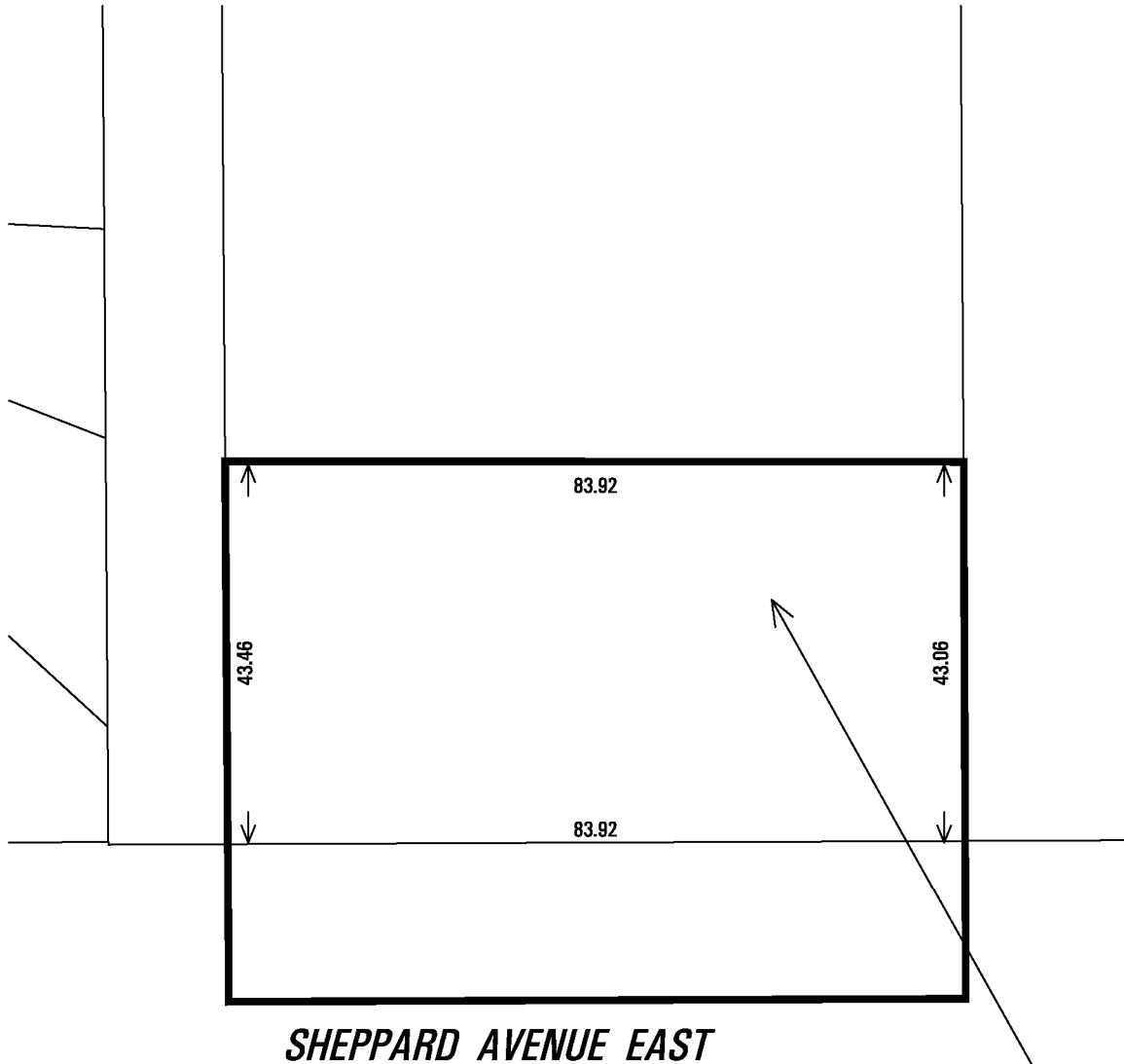
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



CR-128-129-130-131-134-135-136-137-212-307-312
-313-314-316-321-322-332-336-406-450-451-476-477

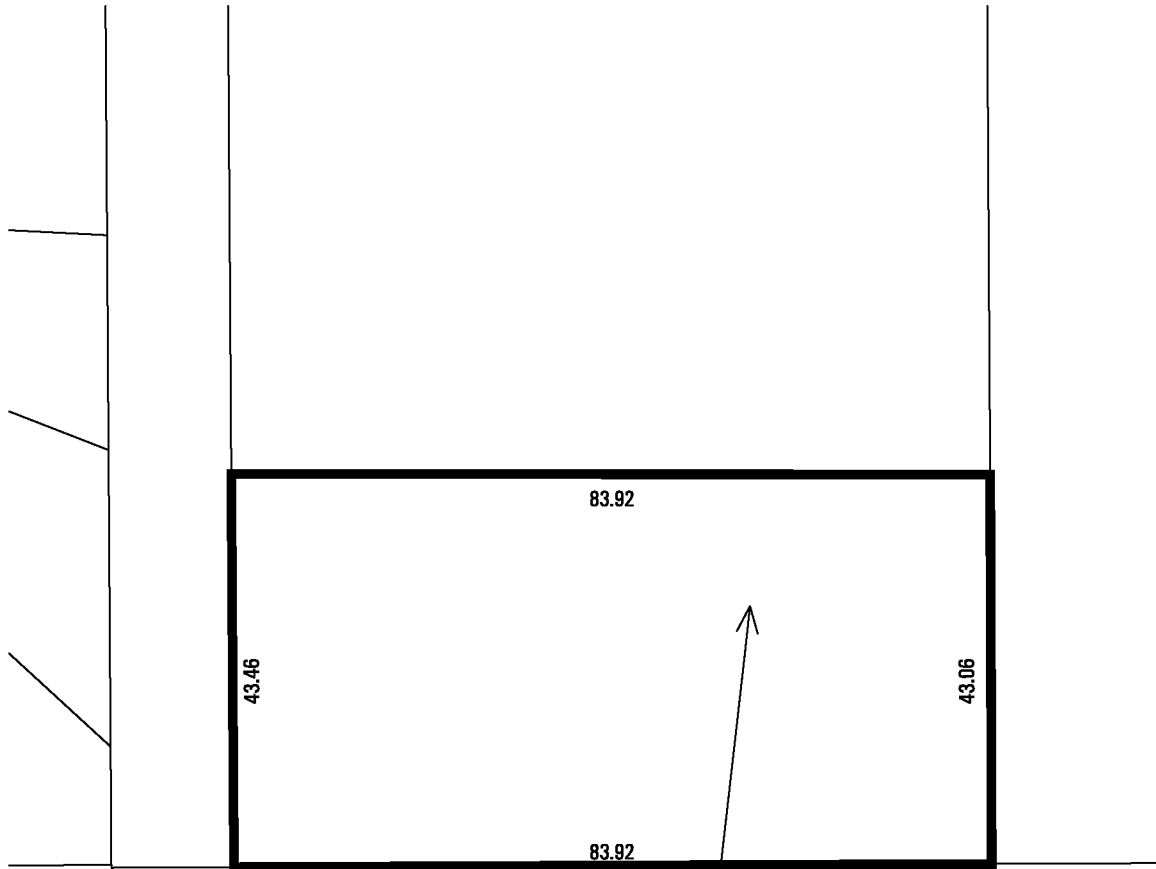
TORONTO City Planning Division
Zoning By-Law Amendment

3220 Sheppard Avenue East
File # 11 325998 0Z

 Area Affected By This By-Law

Sullivan Community Bylaw
Not to Scale
10/19/2012


Schedule '2'



SHEPPARD AVENUE EAST

Exception No. 37 & 38



Zoning By-Law Amendment

3220 Sheppard Avenue East

File # 11 325998 0Z



Area Affected By This By-Law

Sullivan Community Bylaw
Not to Scale
10/8/2012

