

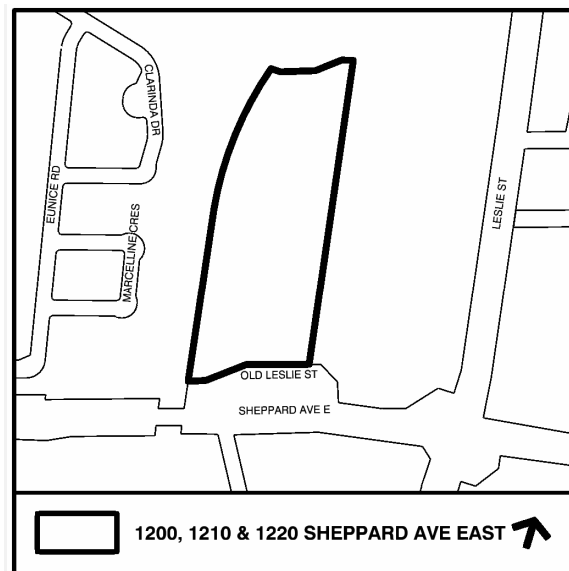
1200, 1210, 1220 Sheppard Ave East - Official Plan and Zoning By-Law Amendment Application - Refusal Report

Date:	April 27, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	11 331945 NNY 24 OZ

SUMMARY

An application to amend the Official Plan and Zoning By-law has been submitted for a development proposal located at 1200, 1210 and 1220 Sheppard Avenue East. The application proposes a new mixed use development that retains two existing office buildings and adds six residential buildings with heights of 27 to 43 storeys with retail on the ground floor along with a new 1 and 2-storey retail building. The development is proposed to contain 2,098 residential units, has a gross floor area of 222,089 m² (2,400,000 ft²) and an FSI of 5.5.

The proposed density of the subject development is greatly in excess of the current Official Plan limit and is an over intensification of this site. The site layout and built form results in a development that does not create a cohesive community, lacks sufficient open space, creates a poor pedestrian environment, privatizes the ravine edge and shadows the stable residential neighbourhood to the west as well as on-site open space. This report reviews and recommends that the Official Plan and Zoning By-law application be refused in its present form. It also recommends that should the applicant



be prepared to reconsider its application with a proposal that addresses the issues raised in this report, City staff be authorized to enter into discussions and work with the applicant on a revised proposal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the Official Plan and Zoning By-law Amendment applications for the properties at 1200, 1210 and 1220 Sheppard Avenue East in their present form and should the applications be appealed to the Ontario Municipal Board that the City Solicitor and appropriate staff be authorized to attend the Hearing and defend the position outlined in this report.
2. Should the applicant be prepared to reconsider its application with a proposal that addresses the issues raised in this report, City staff be authorized to enter into discussions and work with the applicant on a revised proposal.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

Two pre-application consultation meetings were held with the applicant to discuss the development proposal and the requirements for a complete application. Planning staff identified density and height, the arrangement of built form on the site and private streets and parkland as preliminary issues to be addressed.

ISSUE BACKGROUND

The existing office buildings at 1200, 1210 and 1220 Sheppard Avenue East were constructed in 1973, 1975 and 1981 respectively. Prior to the current use for offices the site was utilized as a lumber yard and has been identified as a former waste disposal site.

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 195,951 m² in six residential buildings with retail at grade, one retail building and a central open space. Two of the existing office buildings (1210 and 1220 Sheppard Avenue East) with 26,138 m² gross floor area are retained for a total of 222,089 m² on the site. Although the addresses are Sheppard Avenue, it should be noted that the site has access to and actually fronts onto Old Leslie Street. The tall buildings are located at the Old Leslie Street frontage and along the length of the site. The two existing office buildings at the northern end of the site are 4 and 8 storeys in height and are to be refurbished and to continue to be used as commercial buildings. A one and two storey retail and office building is proposed along the rail corridor at the south half of the block.

A private street/driveway is proposed to loop through the site in the form of a large figure 8. It extends to the retained office building (1210 Sheppard Avenue) at the far north end. Two tall residential buildings and the central open space are encircled by this street. The street has one link to Old Leslie Street at the south end of the site which crosses Sheppard Avenue with a bridge. Access to Old Leslie Street is from a looped driveway. Between Old Leslie Street and Sheppard Avenue at the front of the site is a piece of City-owned public land which is described as a landscape feature/park in the applicant's proposal. The proposed street in the development loops eastward along the length of the site to provide access to the office building at 1220 Sheppard Avenue and four residential towers. Streets in the development range from 8.5 to 14 metres in width with small setbacks for landscaping or walkways. All streets are proposed to be private with underground parking below the streets, sidewalks and landscaped areas.

Access to the site will be provided by two entrance driveways that will be located off Old Leslie Street. The westerly driveway will serve as the main entrance point of the development and connects to the north-south portion of Old Leslie Street over top of Sheppard Avenue. Two outbound lanes and one inbound lane are proposed. The easterly driveway will provide access for residents and servicing to the underground parking structure.

Six tall buildings are proposed. They range in height from 27 to 43 storeys and have base buildings which are 8 storeys in height with one at 7 storeys. There are a total of 2,098 residential units. A total of 3,141 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 0.3 hectare private central open space is provided. Outdoor amenity space totalling 2006 m² is located on the roofs of the base buildings. A Daycare Centre and a total of 5,789 m² of indoor amenity space is proposed.

The applicant has calculated the floor space index as 4.1 by including the valleylands in the land area and excluding lobbies, stairs and mechanical portions of the buildings in the gross floor area. The floor space index as calculated in accordance with the Official Plan and the former City of North York Zoning By-law is 5.5. The proposed gross floor area is 222,089 m² (2,400,000 ft²).

The proposed development is providing 2,480 parking spaces of which 360 spaces are for visitors and the retail uses. The two retained office buildings have 602 parking spaces for a total of 3,082 parking spaces on the site. Auto share and bicycle parking spaces are also proposed.

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 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 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

West: CN rail line, low density residential

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 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 are 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 buildings be provided across the City and within neighbourhoods.

The subject lands are designated *Mixed Use Areas* and a small portion of 'Natural Heritage Area' is located along the east side of the site. An 'Avenues' overlay applies to the southern portion of the site. The *Mixed Use Areas* designation provides for a range of uses including residential, office, retail and services and open space. Development in *Mixed Use Areas* is to provide an appropriate transition to and protection of adjacent stable residential neighbourhoods. 'Avenues' are corridors along major streets where re-urbanization is encouraged which provides new housing and job opportunities while improving public transit ridership, retail opportunities and the streetscape.

The Official Plan also includes policies to ensure that new development enhances the quality of the public realm and addresses 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. 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 approved 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 which is a 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 and which establishes a network and is designed and built to public standards
- To build public streets which serve as an amenity and linkage among areas
- Buildings are to highlight vista terminations where appropriate
- Generally buildings are to be aligned along streets to provide a street presence and street enclosure
- Sheppard Avenue Streetscape Master Plan to be implemented
- Building height and massing is to minimize excessive shadowing and wind effects on the site
- 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

Zoning

The majority of the site is zoned Commercial 1 (Exception Zone 84) which permits office and restaurant uses. A small portion of the site is zoned Greenbelt which permits recreational uses.

Site Plan Control

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

Subdivision

The application is not proposing any public streets and therefore a plan of subdivision application has not been submitted. Should the application be revised to provide public streets, a plan of subdivision will be required.

Ravine Control

The development proposal is adjacent to and includes lands that are within the East Don River valleylands. As such portions of the subject lands are located within the limits of the Ravine Control By-law and within the Toronto and Region Conservation Authority Regulation Area. Development within this area requires a permit from the TRCA. Under the Ravine By-law, a permit is required to injure or destroy a tree, to place or dump fill, or to alter the grade of the land.

Tree Preservation

The City and Private Tree By-laws apply which regulate the removal and injury of trees and ensure that replacement plantings are provided to aid in expanding the urban forest. The applicant has provided a Tree Inventory and Assessment Report which is under review by Urban Forestry.

Community Consultation

The local Councillor has held two community consultation meetings on this application. On March 28, 2012 approximately 15 executives of area ratepayers associations were in attendance to hear the applicant's presentation of their proposal. City staff and the local Councillor were in attendance. On April 18, 2012, approximately 200 residents were in attendance along with the local Councillor, the applicant and City staff. As well, at the time of writing this report, e-mails from 85 residents identifying issues with the proposal have been sent to Planning staff. The following summarizes input from residents:

- Traffic congestion on Sheppard Avenue and at major intersections
- More traffic on local streets – a safety issue
- Too much intensification adjacent to stable neighbourhood
- Affects existing quiet character and brings more activity
- East Bayview Village was considered for high rise in the late 70's but was successfully opposed
- Too much density and height, visual impact, tall buildings dominate the skyline

- Shadow impacts on single detached homes to the west
- Overview by tall buildings into homes and backyards to the west
- There has already been a high level of development along the Sheppard corridor and this should be moderated
- The combined density of Concord and this proposal means this portion of Sheppard Corridor is very dense
- Should have a bench mark for heights in the area
- North side of Sheppard historically has had less development, 20 storeys maximum, should maintain this trend
- Hogs Hollow is an example of low heights and density and on a subway line
- Impacts of development including a deep underground garage on the valleylands and watercourse
- More people using East Don Parklands trail which is already crowded on the weekend
- Monitor service impacts of Concord before proceeding with this development
- Hydro power stability

Reasons for the Application

Official Plan Amendments are required to increase the proposed density from 2.5 to 5.5 FSI and to permit a residential building rather than an employment use building at the south end of the site. Amendments to the zoning by-law are required to permit the proposed development and to provide development standards.

COMMENTS

The application as submitted results in a number of significant concerns. The key issues are summarized below.

Building a New Neighbourhood

The proposal is to create a new neighbourhood on an isolated site bounded 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.

The development as proposed will not result in a viable, comprehensively planned new neighbourhood as provided by Section 3.3 Building New Neighbourhoods and Section 3.1.1 The Public Realm. The proposed pattern of streets/driveways, blocks and open spaces needs to be reconsidered using public streets that extend Old Leslie Street into the site, divide the lands into appropriately scaled development blocks and a park block and providing improved visibility and access to the ravine setting. The proposed community focal point is a private open space, is fronted by large auto drop offs and does not

adequately fulfill a focal point role. Proposed underground parking is located below the open space which precludes trees in the open space/park. The location should be reconsidered to be adjacent and contiguous to the existing valleylands, of a shape and size to allow for neighbourhood park uses over time and achieve good access to sunlight and have acceptable wind conditions. The proposed streets and pedestrian routes are not fine grained or sufficiently connected to the public ravine lands. There is a large amount of paved area at the expense of a safe, comfortable and attractive public realm. Employment uses should be located at the front of the site for better accessibility and to be closer to transit.

To provide a framework for the development of a new neighbourhood, the Sheppard East Subway Corridor Secondary Plan provides for the preparation of a Context Plan. A Context Plan should be undertaken for this application. A Context Plan will provide a framework for co-ordinated development in relation to relevant adjacent conditions in the area surrounding the site and assist in evaluating the conformity of the proposed development with the Secondary Plan. The Context Plan will also address matters required in the preparation of a Master Plan under the “Design Criteria for the Review of Tall Buildings” which include; base building heights and building setbacks.

Land Use

Approximately 85% of the proposed mixed use development is residential and 15% is commercial with the two retained office buildings comprising the majority of the commercial development.

The subject site has a long, narrow configuration with a depth of 400 metres. The two retained office buildings are located at the back of the site and have no presence on Old Leslie Street or Sheppard Avenue. This is contrary to the Sheppard East Subway Corridor Secondary Plan which requires the retention of office uses, or some other employment generating use at the south end of the lands to reinforce the Leslie Node as an employment area and to ensure good access to employment uses. A small amount of the total gross floor area (1,600 m²) is proposed in the 1 and 2-storey retail and office building located adjacent to the western property boundary close to the front of the site.

There is a concern about the long term viability of office uses that are located 300 to 400 metres away from the site entrance and that require access through the length of the high density residential development that may be under construction for a number of years. The present proposal raises a question as to the future viability of the office buildings and the potential that they may be considered in the future for further residential intensification.

Built Form and Massing

Most of the development on the site is tall buildings. The proposed buildings have heights of 27, 34, 39 and 43 storeys. The tallest of these, 39 and 43 storeys, would be the highest heights in the Sheppard East Subway Corridor Secondary Plan area. The Secondary Plan directs that the greatest heights be located at transit stations, at intersections and at Highway 401. While close to Leslie Street and in proximity to the Leslie Subway Station this development is not at an intersection or the transit station.

The subject lands are also not at Highway 401. The building heights do not meet the intent of the Secondary Plan in terms of where the tallest buildings in the corridor are to be considered.

Base buildings of 8 storeys and one at 7 storeys are proposed. With the scale of the private street, walkway and landscaped areas proposed, the base buildings are too high to provide a pedestrian scale at the street level. The proposed base buildings do not meet the 1:1 ratio of building height and angular plane to street width contained in the Tall Buildings Guidelines to achieve appropriate scale and sunlight for streets.

The cumulative effect of this application of the minimum dimensions for tower spacing, taller base conditions, slightly thicker floor plates and narrow private streets is that the sunlight conditions at grade on the site are very poor. A wall of shadow is created rather than the ideal of thin shadows moving quickly as anticipated by the Tall Building Guidelines.

The proposed heights and building massing result in unacceptable shadow impacts in the morning during June, March and December on the stable low density neighbourhood to the west. The Official Plan requires that new development be located and massed so as to adequately limit shadow impacts on adjacent *Neighbourhoods*.

Appropriate locations on this development site for a range of building types including townhouses, mid-rise and tall buildings would be considered through a Context Plan. Mid-rise buildings which conform to mid-rise standards for sunlight could be located on portions of the site that are closest to the existing *Neighbourhood*. Lowering the height and reducing the density and changing building massing to include mid-rise building types would reduce the impact of shadows on the adjacent neighbourhood and within the development.

A Pedestrian Wind Comfort Study was prepared on behalf of the applicant by Novus Environmental. The Study identifies a number of areas where wind conditions are unacceptable and others that are appropriate only for fast walking. There are 8 locations within the proposed development where winter wind conditions for pedestrians would be “uncomfortable or exceed safety” including the sidewalk connection for the whole development to the Leslie subway station. There are 23 locations where wind conditions are appropriate only for fast walking. The Study indicates that conceptual wind control measures such as landscaping, canopies, trellis features, wind screening or building modifications may be utilized to address wind conditions. Staff believe a better site design and building massing should reduce negative wind impacts and improve pedestrian comfort and then look at the need for wind control measures in development to address uncomfortable wind conditions.

Transition

A low density residential area designated *Neighbourhood* is immediately across the rail corridor to the west of the subject site. The subject site is separated by Villaways Park and Leslie Street from the *Neighbourhood* area to the east and by ravine lands from the *Neighbourhood* area to the north.

The Official Plan requires that development in *Mixed Use Areas* that are adjacent to *Neighbourhoods* be compatible with those neighbourhoods and provide a transition in height, scale and intensity as necessary to ensure that the general amenity of the adjacent residential area is not adversely affected. The Sheppard East Subway Corridor Secondary Plan provides for higher densities at transit stations and requires a transition downward away from stations.

The neighbourhood to the west is closest to the proposed development. It is comprised of 2 – 2 ½ storey homes. Two local streets Marcelline Crescent and Clarinda Drive are closest to the development and the rear property lines are 64 metres (210 ft) from the closest tall building (27 storeys). The proposed building separation distances from the residential property line of the *Neighbourhoods* area meets the minimum 45 degree angular plane requirement however, shadow impacts from the development on homes in the *Neighbourhoods* are unacceptable.

In the Sheppard Corridor, development has typically met or is under the minimum angular plane requirements while still meeting density and development objectives of the Plan. Reduction of the proposed density closer to the planned density of 2.5 FSI would allow for mid-rise buildings, lower tall building heights and additional space between tall building locations and the neighbourhood to the west resulting in a more acceptable transition.

Density

The development has a gross floor area of 222,089 m² and an FSI of 5.5. The proposed density of 5.5 FSI is over twice the 2.5 FSI that is permitted in the Sheppard East Subway Corridor Secondary Plan. The chart below compares the proposed and permitted gross floor area:

Floor Space Index (FSI)	Sq. Metres	Sq. Feet
5.5 FSI proposed	222,089 m ²	2,400,000 ft ²
2.5 FSI permitted	101,383 m ²	1,091,000 ft ²

The floor space index as calculated in accordance with the Official Plan and the former City of North York Zoning By-law is 5.5. Contrary to these requirements, the applicant has calculated the floor space index as 4.1 by including the valleylands in the land area and excluding lobbies, stairs and mechanical portions of the buildings in the gross floor area.

A further concern with density is its distribution over the site. The two existing office buildings which are to be retained are 4 and 8 storeys in height and occupy a large area in the northern portion of the site with a resulting low intensity of development. This results in a density which is higher than 5.5 FSI in the southern portion of the site.

Increases in density can only be considered that meet the objectives of the Official Plan which is to balance development which supports transit infrastructure with the protection of neighbourhoods. The proposed density is an over intensification of the site which results in an unacceptable plan for a new neighbourhood and unacceptable shadow impacts to the neighbourhood to the west. Density is too high and is not deployed in a way that meets the Official Plan objectives in creating new neighbourhoods as discussed above.

Public Realm

Streets, parks, on-site open space and ravine lands comprise the public realm in the proposed new neighbourhood. With respect to public realm, a Context Plan sets out the location, dimensions and character of these elements. The discussion below identifies issues with the proposed development that would be addressed through the preparation of a Context Plan.

Streets in neighbourhoods are a significant component of the public realm. Streets provide structure in the physical organization of a neighbourhood and have a role in facilitating public engagement. The street configuration in the present proposal should be revised to provide better building siting and address. The amount of paved area devoted to roads, drop-off and pick-up areas, on-street parking and building service areas, which is required to serve six tall buildings, results in too little green open space on the site and insufficient space for boulevard and streetscape amenities for pedestrians. Private streets are proposed and Policy 3.1.1.15 states that new streets should be public streets.

On site park and open space provide an integral part of quality of life and social well-being and are an essential element of good neighbourhood planning. The proposal has insufficient open space for the amount of density proposed.

A private open space 0.3 hectares (0.75 acres) in size is proposed and is located close to the western boundary of the property. It is separated from buildings on all four sides by private streets/driveways and vehicular forecourts. Noise attenuation barriers are proposed to address the effects of noise on the open space generated by the adjacent CN railway line. The proposed open space should function as a central organizing element for the development with buildings parallel to and fronting onto it. As an example, the proposed open space could be relocated to the eastern boundary of the site adjacent to and overlooking the ravine. This change would make it a central organizing element for the development, a more attractive community focal point and could lessen the extent of the noise barrier.

The site abuts and overlooks the Don River valleylands and Villaways park to the north and the east and is a shared public resource. The development as proposed isolates and privatizes the ravine edge with buildings and private roads. For example, relocating the proposed park to the eastern edge of the property and changing the tower placement would provide more public views to the ravine.

All private outdoor amenity space is proposed on the roofs of the base buildings rather than at grade. This results in a greater intensity of development on the site at the expense of green open space and pedestrian amenity.

Through a Context Plan exercise, a proposal could be developed which establishes a clear public realm including the location of parks, open space, streets, blocks and range of built form.

Ravine Protection

A natural heritage area consisting of the Don River valleylands bounds the subject lands on the east as shown on Attachment 4. In recognition of the need to maintain a healthy natural environment while accommodating growth, the Official Plan provides that a Natural Heritage Impact Study may be required. The purpose of the study is to assess the development's impacts and to identify measures to mitigate impacts or improve on the natural heritage system. Ravine and Natural Feature Protection (RNFP) have commented that a Natural Heritage Impact Study and a revised Arborist Report are required. RNFP also require that once a buffer zone along the edge of the valleylands is identified, it and the lands below the top of bank are to be conveyed to public ownership.

Community Services and Facilities

A Community Services and Facilities Study was undertaken by the City in 2002 in association with the former Canadian Tire development south of Sheppard Avenue. That Study identified the need for a community centre and daycare facilities. The Study was updated in 2008 and the need for these facilities was confirmed. The subject development proposes the creation of a significant new neighbourhood and the applicant is required to undertake an update to the Community Services and Facilities Study. The update will inventory existing public services and facilities in the area and identify needs in the community.

Transportation

A Traffic Impact Study has been prepared by MMM Group and Transportation Services requires significant revisions to the analysis with respect to intersection capacity analysis, existing traffic volumes, the horizon year and phasing and trip generation and distribution.

Public streets are encouraged in the Official Plan and a development of this scale should have public streets. Public streets are to be unencumbered by underground parking. The proposal shows underground parking which extends under the entire development including streets and walkways. This is not acceptable to the City if the streets are to be public.

Access to the site will be provided by two private streets that will be located off Old Leslie Street. The westerly street will serve as the main entrance point of the development and connects to the north-south portion of Old Leslie Street over top of Sheppard Avenue. The easterly street will provide access for residents and servicing to the underground parking structure. Both accesses are constrained by the elevation of the site and the configuration of Old Leslie Street and need to be examined and potentially changed in order to function adequately for this development.

City and Private Tree By-law

There are 47 privately owned trees that are proposed for removal and which are to be replaced at a ratio of 3:1. Five City-owned trees are to be replaced and six trees added on the City road allowance at Sheppard Avenue.

Environmental Site Assessment

The Secondary Plan identifies the site as a former waste disposal site and the applicant's Environmental Site Assessment which is a study of soil and environmental conditions is under review. The Environmental Site Assessment will be subject to a Peer Review.

CN Railway

The CN Bala Principle Main Line which is also used by GO Transit runs along the western boundary of the subject property. An "Environmental Noise and Vibration Feasibility Assessment" undertaken on behalf of the applicant indicates that 62 GO Transit trains and 3 VIA trains and freight trains use the rail line on a daily basis.

CN and GO generally require a safety setback of dwellings from the railway rights of way to be a minimum of 30 metres in conjunction with a 2.5 metre high safety berm and a minimum 5.5 metre high noise attenuation barrier. The applicant is proposing a 25 metre setback with the closest residential unit placed at a 5 metre height above grade. Instead of a 2.5 metre high safety berm, a crash wall is proposed. The application is under review by CN.

Section 37

The proposal, at 5.5 FSI, represents a significant increase to the 2.5 FSI density permitted for this site in the Sheppard East Subway Corridor Secondary Plan. For any density increase above 2.5 FSI it is appropriate to secure public benefits in exchange for a density increase, pursuant to Section 37 of the *Planning Act*. Potential community benefits would include funding for the proposed community centre to be located on the south side of Sheppard Avenue in the park on the Concord Adex lands, provision of a non-profit daycare facility and funding for the renaturalization of the East Don River Valleylands.

The applicant indicates that a Section 37 contribution is not justified due to the unreasonably low density permission on this site as set out in the Secondary Plan. The Sheppard Secondary Plan sets out densities that are intended to provide for intensification and redevelopment to support the Sheppard subway while protecting low density stable

neighbourhoods. The Official Plan currently permits just over one million square feet of development on a site with some physical constraints. It is recognized that some increase in density may be appropriate provided other policies, including Section 37 community benefits contained in the Secondary and Official Plan, are met.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. The TGS Checklist has been submitted by the applicant and compliance with the Tier 1 performance measures has been reviewed. The applicant is advised to consider the use of types of materials at grade which reduce the heat island effect and the 'Bird Friendly Guidelines' for building window and glass treatments.

Conclusions

The proposed density of the subject development is greatly in excess of the current Official Plan limit and is an over intensification of this site. The site layout and built form results in a development that does not create a cohesive community, lacks sufficient open space, creates a poor pedestrian environment, privatizes the ravine edge and shadows the stable residential neighbourhood to the west as well as on-site open space. The new neighbourhood proposed to be created is unacceptable.

Planning staff could support redevelopment at this location, provided there is an appropriate level of intensification, arrangement of land uses and built form and adequate open space on the site. This would include, among other things:

:

- a reduction in density that is more in keeping with the Official Plan
- public streets are provided with appropriate pedestrian amenity and are unencumbered with underground parking
- Old Leslie Street is extended into the site for address and access for development blocks on this site
- buildings which frame the open space/park with adequate street frontage and with the open space contiguous to the ravine
- open space/park which provides an appropriate community focal point
- better public access to the ravine edge and views to the ravine lands through public streets and siting of buildings
- revised built form and massing which results in acceptable microclimate conditions
- appropriate location of office uses in the southern portion of the site in accordance with the Secondary Plan

It is recommended that City Council refuse the application for the reasons set out in this report and authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing and defend the position outlined in this report. Should the applicant be prepared to reconsider its application with a proposal that addresses the

issues raised in this report, it is recommended that City staff be authorized to enter into discussions and work with the applicant on a revised proposal.

CONTACT

Lynn Poole, Senior Planner

Tel. No. (416) 395-7136 Fax (416) 395-7155

E-mail: lpoole@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

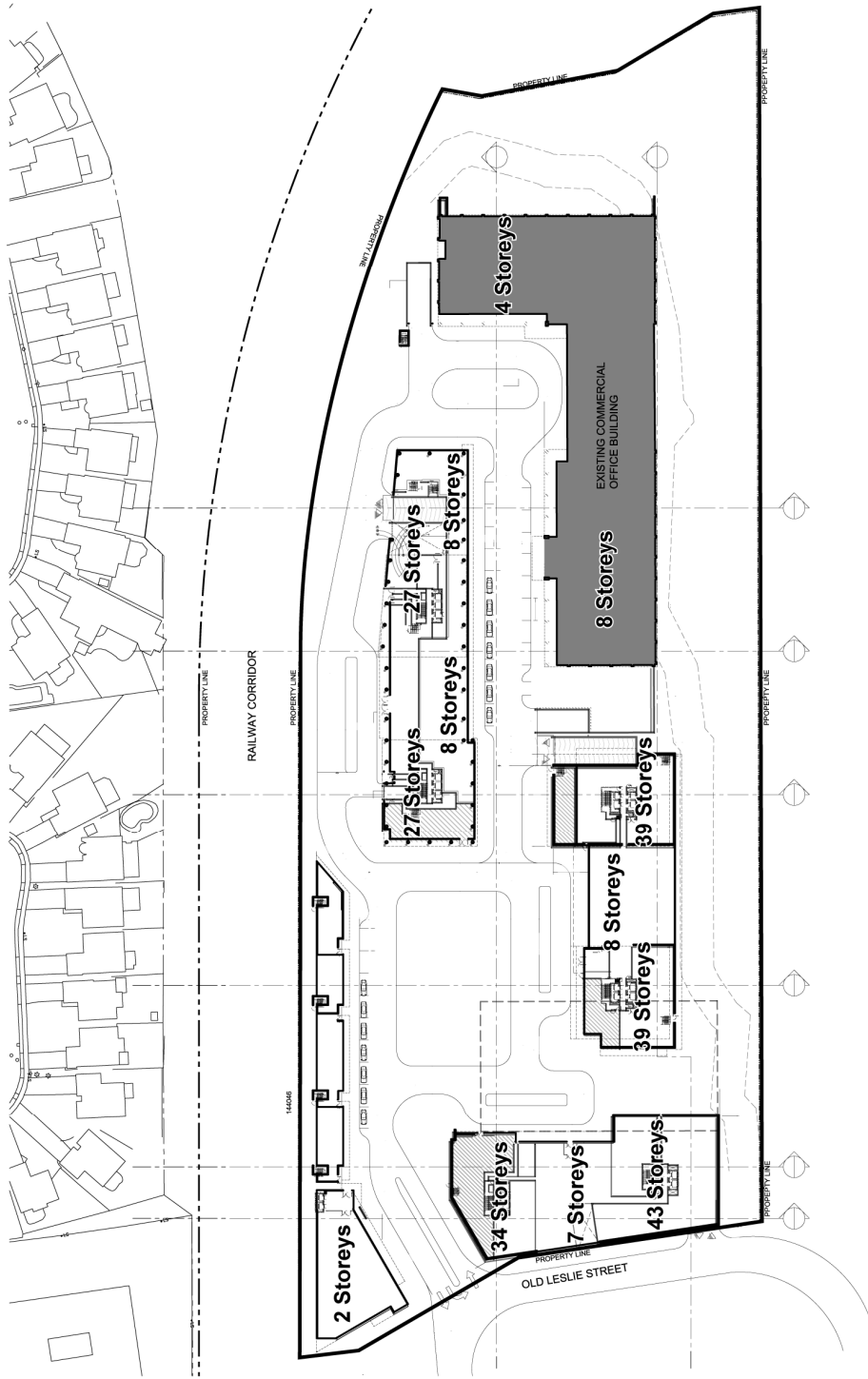
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



1200, 1210 & 1220 Sheppard Avenue East

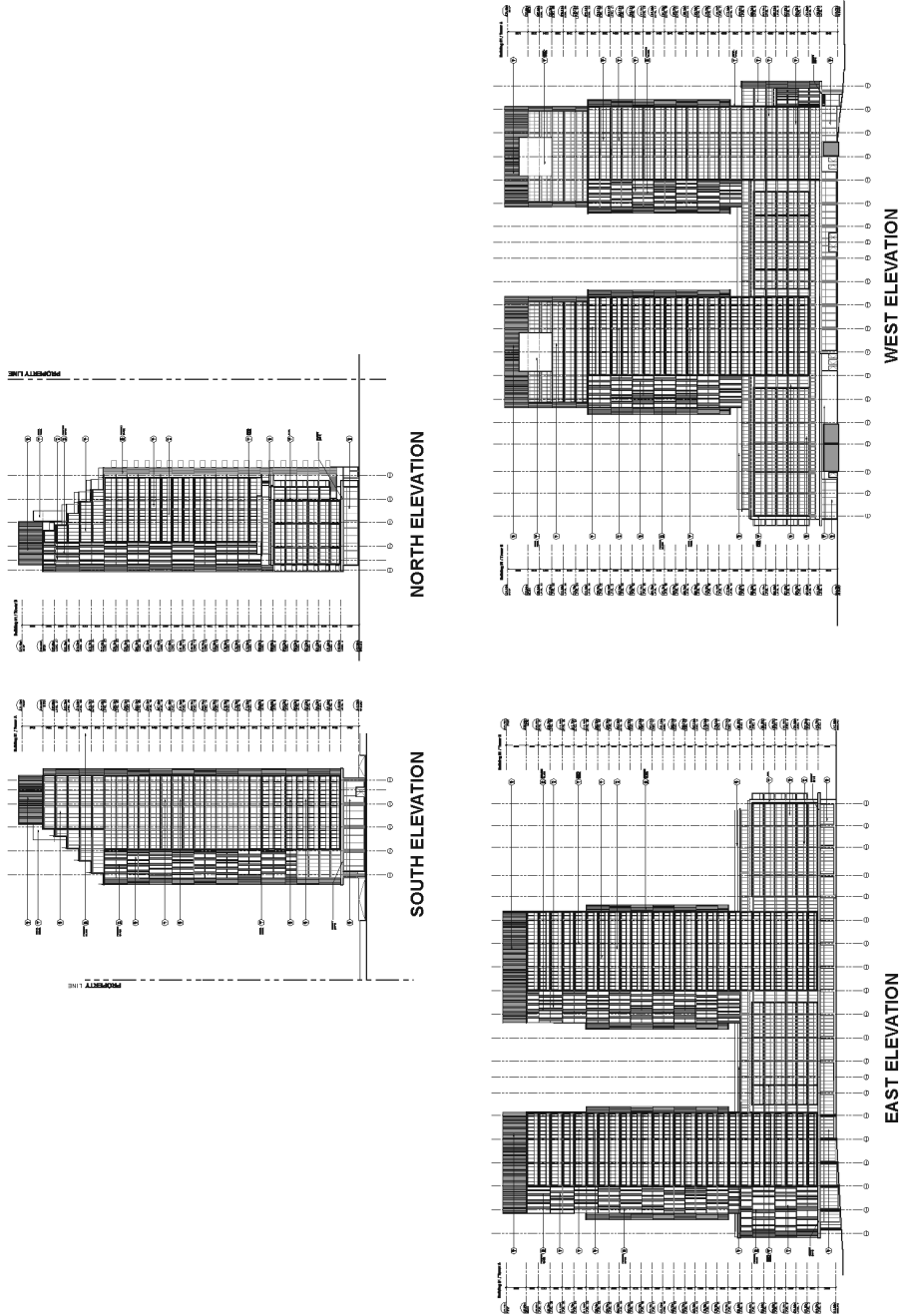
Site Plan

Applicant's Submitted Drawing

Not to Scale
01/23/2011

File # 11 331945 MNY 24 0Z

Attachment 2: Elevations

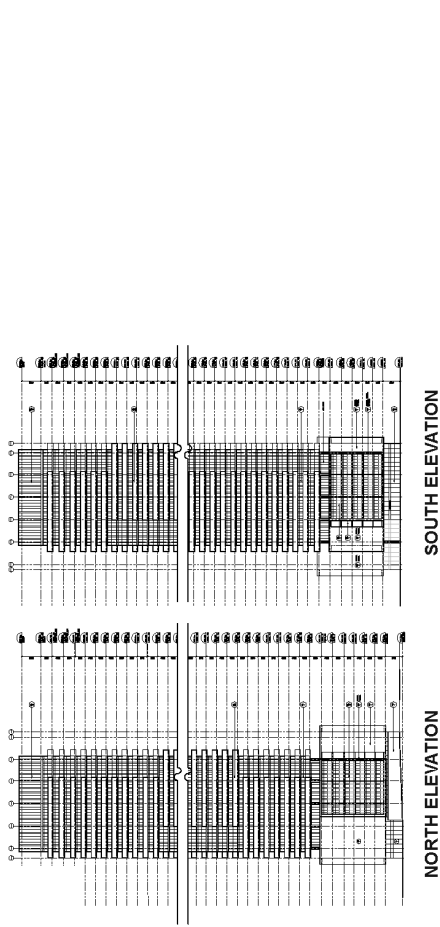


Elevations - Building 1
Applicant's Submitted Drawing

Not to Scale
01/23/2011

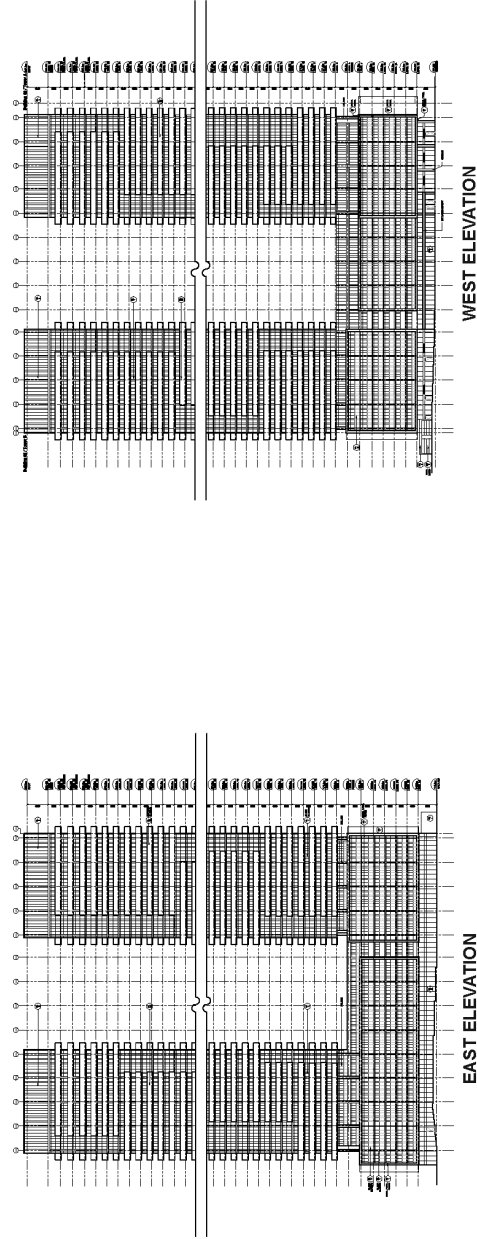
1200, 1210 & 1220 Sheppard Avenue East

File # 11 331945 MNY 24 0Z



SOUTH ELEVATION

NORTH ELEVATION



WEST ELEVATION

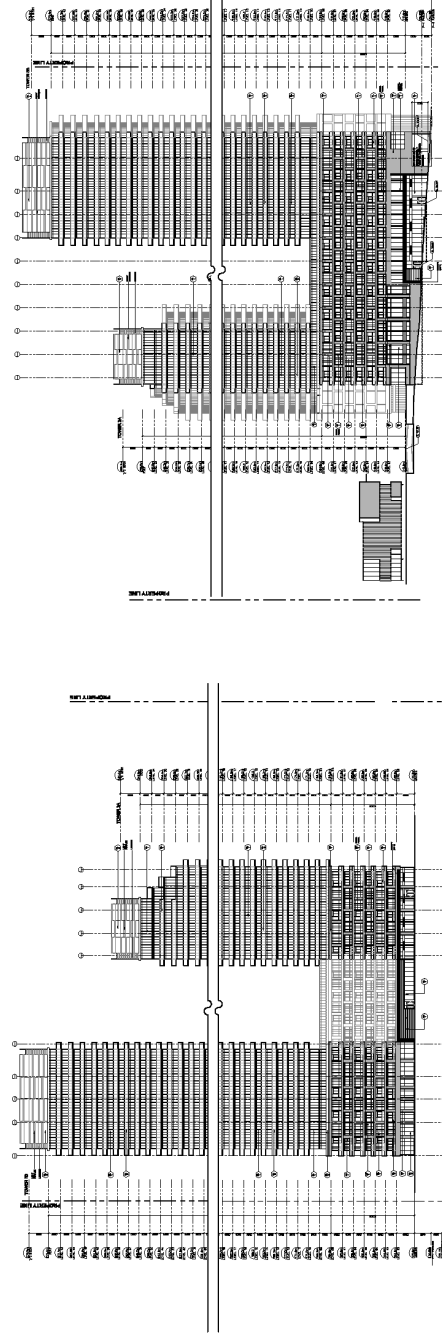
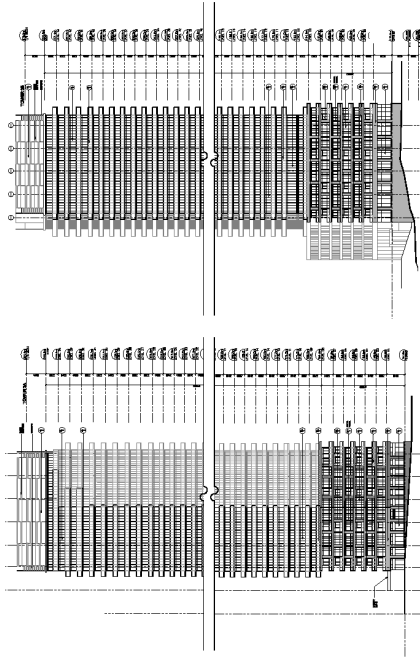
EAST ELEVATION

Elevations - Building 2
1200, 1210 & 1220 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale
 01/23/2011

File # 11 331945 NMY 24 0Z



NORTH ELEVATION

SOUTH ELEVATION

Elevations - Building 3

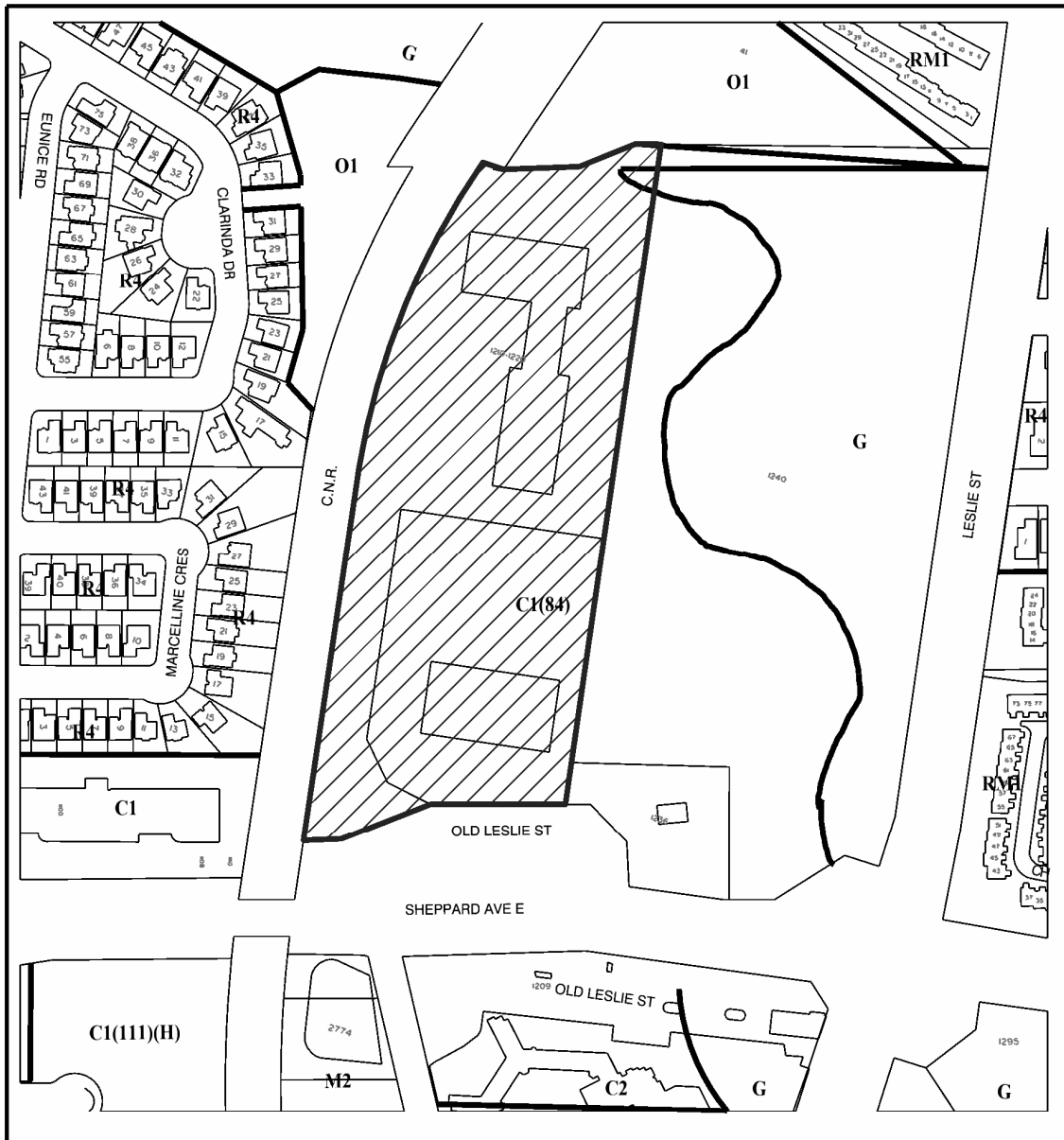
1200, 1210 & 1220 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale
01/23/2011

File # 11 331945 NMY 24 0Z

Attachment 3: Zoning



TORONTO City Planning
Zoning

1200, 1210 & 1220 Sheppard Avenue East

File # 11 331945 NNY 24 02

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- G Greenbelt Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone

- M2 Industrial Zone Two
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 01/17/2012

Attachment 4: 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 5

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 AVE EAST
 Location Description: CON 2 EY PT LOT 16 RP 64R6261 PARTS 2 7 AND 9 **GRID N2405
 Project Description: Proposed mixed use development - 6 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:	2, 4, 8, 27, 34, 39, 43
Frontage (m):	103			
Depth (m):	407			
Total Ground Floor Area (sq. m):	13950			Total
Total Residential GFA (sq. m):	192810		Parking Spaces:	3,082
Total Non-Residential GFA (sq. m):	29279		Loading Docks	
Total GFA (sq. m):	222,089			
Lot Coverage Ratio (%):	34			
Floor Space Index:	5.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	192810	0
Bachelor:	0	Retail GFA (sq. m):	3141	0
1 Bedroom:	790	Office GFA (sq. m):	26138	0
2 Bedroom:	1129	Industrial GFA (sq. m):	0	0
3 + Bedroom:	179	Institutional/Other GFA (sq. m):	0	0
Total Units:	2098			

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