

STAFF REPORT ACTION REQUIRED

3445 Sheppard Avenue East - Zoning Amendment Application - Preliminary Report

Date:	August 14, 2013
То:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	13 180572 ESC 40 OZ

SUMMARY

This application proposes a mixed-use development comprised of two mid-rise residential buildings (10 and 11 storeys) containing 329 units, fronting on Sheppard Avenue East with retail on the ground floor, and four blocks of stacked, four-storey townhouses with 42 units to the rear of the site. A total of 371 residential condominium units are proposed. The site is currently occupied by an automotive dealership.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

Staff recommend that a community consultation meeting be held in the fourth quarter of 2013, to provide an opportunity for the public to review the applicant's submission, ask questions of City staff and the applicant, and provide feedback on the application. It is anticipated that a final report on the application will be submitted to Community Council for consideration in the second or third quarter of 2014. These target dates assume that the applicant will provide all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 3445 Sheppard Avenue East together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

Two pre-application meetings were held with city staff and the applicant in August and October of 2012 to discuss key components of the proposal and the requirements for a complete application submission. At these meetings, the proposal consisted of two 11-storey buildings fronting on Sheppard Avenue East with retail at-grade and 397 residential condominium units above and 48 townhouses to the rear of the property for a total of 445 units. A number of issues were raised at these meetings, including but not limited to:

- the role and functionality of the vehicular access from Sheppard Avenue East and the requirement for a 'public' rear laneway;
- location and layout of the underground parking garage in relation to the required public rear laneway;
- site circulation both pedestrian and vehicular;
- angular plane from the rear lot line; and
- building setbacks and upper-level stepbacks.

In addition, a pre-application 'Community Open House' was hosted by the applicant on March 4, 2013. At that session, the proposal had been revised to consist of two buildings (11 and 10 storeys) fronting Sheppard and 44 stacked townhouses to the rear, for a total of 443 units. The following questions/concerns were raised:

- appropriateness of the proposed built form;
- density and unit count;
- height of the mechanical penthouse structures; and
- the timing of the operation of the current car dealership (the current lease expires in September 2013).

ISSUE BACKGROUND

Proposal

The applicant is proposing a mixed-use development comprised of two mid-rise buildings fronting on Sheppard Avenue East and a group of stacked townhouses on the rear portion of the site. The mid-rise buildings are both proposed to be residential condominiums with retail on the ground floor and the stacked townhouses to the rear are also anticipated to be condominium ownership. The overall development proposes a total of 371 units and a gross floor area of $32,247 \text{ m}^2$, which equates to a density of 2.59 times the lot area.

Pedestrian and vehicular access to the site is proposed from Sheppard Avenue East through a central, private, north-south laneway between the two mid-rise buildings, which are proposed to be 17.2 metres apart at the ground level. This laneway extends north through the site to another proposed private east-west laneway behind the mid-rise buildings. Pedestrian access to the retail areas of each building is proposed directly from Sheppard Avenue East, with entrances to the lobby areas of the residential components from points further south in each building. An underground one-level parking garage is accessed via a ramp at the east end of the east-west laneway. The loading space is exterior to the buildings, on the ground floor near the intersection of the two laneways. There are 26 parking spaces located at grade behind the mid-rise buildings. Bike parking is proposed on the ground level on either side of the north-south access lane, as well on the far ends of each mid-rise building. The remaining spaces are located within the underground parking garage.

The four-storey, stacked townhouse units are proposed to be laid out in an L-shaped pattern surrounding the southeast portion of the site. There are four proposed stacked townhouse blocks, surrounded by pedestrian walkways. Three of the blocks have 10 units, with the remaining block containing 12 units. All of the units are proposed to be two-level, through units. Parkland dedication is proposed through a 1,313m² open space park at the rear portion of the site, adjacent to the townhouse units. The townhouses are proposed to front onto this parkland space. A total of 1,379m² of amenity space is proposed as contiguous indoor and outdoor spaces at the rear of the two mid-rise buildings.

	Western Building	Eastern Building	Townhouses		
Use	retail, residential	retail, residential	residential		
	condominium	condominium	condominium		
Base Height	3-6 storeys	3-6 storeys	N/A		
	14-20 metres	14-20 metres			
Building	10 storeys	11 storeys	4 storeys		
Height	32 metres	35 metres	11.5 metres		
_	(37 metres with	(41 metres with	(14.75 metres		
	mechanical)	mechanical)	including loft area)		
Floor Plate	$\sim 1,000 \text{m}^2$	$\sim 1,300 \text{m}^2$	N/A		
Size above					
Base					
Base	4.5m north	4.5m north	>50m north		
Setbacks	0m west	>75m west	9.9m west		
from Prop.	14m south	>80m south	10m south		
Line	>80m east	0m east	10.2m east		
Stepbacks of	3m north	3m north	N/A		
Building	3m west	2.5m west			
above Base	3.75m south	Om south			
	2.5m east	3m east			
Gross Floor	11,958m ² residential	14,821m ² residential	4,452m ² residential		
Area	488m ² retail	528m ² retail			
	$12,446m^2$ total	$15,349m^2$ total	32,247m ² site total		
Unit Count	142	187	42		
	(89 one-bedroom,	145 one-bedroom,	(all two-bedroom)		
	45 two-bedroom,	37 two-bedroom,			
	9 three-bedroom)	15 three-bedroom)	371 site total		
Vehicle	shared with eastern	389 spaces	42 spaces		
Parking	building	(26 surface,	underground		
		363 underground)			
			431 site total		
Bike Parking shared with eastern		339 spaces	shared with eastern		
	building	(30 retail, 26 visitor,	building		
		283 residents)			
Loading	shared with eastern	1 type G loading	shared with eastern		
Spaces	building	space	building		

The following table summarizes some of the details of the proposed development:

Attachments 1-4 show the applicant's proposed site plan and elevations for both the midrise and townhouse components of the project. Additional site and development statistics are included in the application data sheet, Attachment 7.

Site and Surrounding Area

Site

The subject property is situated on the south side of Sheppard Avenue East, between Warden and Aragon Avenues. It is 12,438m² in area (approximately 1.24 hectares or 3.1 acres), with 140 metres of frontage on Sheppard Avenue East and a range in depth from 53 to 128 metres. The site is essentially an upside-down L-shape, with the wider frontage along Sheppard Avenue East and the narrow portion to the rear, or south end, of the site. It is generally flat, with a slight change in elevation down from west to east.

At present, the site is occupied by an automotive dealership, consisting of a one-storey brick/stucco/concrete building on the front portion, surrounded by surface parking to the north and south. There are currently three vehicular accesses to Sheppard Street East across the existing sidewalk.

Surrounding Area

- North: to the north of the site, on the north side of Sheppard Avenue East is another large, one-storey automotive dealership, with ancillary surface parking; to the northeast are two residential buildings of 12 and 20 storeys; to the northwest are one and two-storey commercial buildings, with surface parking fronting the street, as well as a four-storey office building, with a landscaped front courtyard; at the northeast corner of Sheppard Avenue East and Warden Avenue is a gas station;
- West: immediately west of the subject property is a gas station at the southeast corner of Sheppard Avenue East and Warden Avenue; there is a one-storey retail plaza further west at the southwest corner of Sheppard Avenue East and Warden Avenue;
- South: immediately south of the subject property is a two-storey townhouse development, which extends south of Cass Avenue to Scarden Park further south;
- East: abutting the site to the east is a two-storey retail/commercial plaza at the southwest corner of Sheppard Avenue East and Aragon Avenue, with ancillary parking fronting Sheppard Avenue East; to the east of the southern portion of the site is a stable, single-detached residential neighbourhood flanking Aragon Avenue.

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.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 2 of the City's Official Plan identifies Sheppard Avenue East as an 'Avenue' within the City's large-scale Urban Structure. Policies for Avenues within Section 2.2.3 speak to the requirements and parameters for the creation of Avenue Studies to guide growth and development on identified Avenues.

The subject property is designated *Mixed Use Areas* on Map 19, Land Use Plan, within the City's Official Plan. This designation supports a balance of commercial, residential, institutional and open space uses that meet the needs of local communities and provides criteria to direct the form and quality of development. Section 4.5 of the Plan contains policies for properties within this designation, which include:

- providing a transition between areas of different development intensity;
- locating and massing new buildings to frame the edges of streets and parks with good proportion;
- providing an attractive, comfortable and safe pedestrian environment; and
- providing good site access and circulation.

Built Form policies in Section 3.1.2 of the Official Plan state that new development will:

- be massed to fit harmoniously into their existing and/or planned context;
- frame and support adjacent streets and parks to improve the safety, pedestrian interest and casual views to these spaces from the development;

- locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces; and
- provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Official Plan contains Housing policies in Section 3.2.1, which support a full range of housing in terms of form, tenure and affordability across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Policies pertaining to the Public Realm in Section 3.1.1 state that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets. These design standards are contained in the Council-adopted Development Infrastructure Policy and Standards (DIPS).

Section 5.1.1 of the Official Plan contains provisions pertaining to public benefits in exchange for increased height and density for new development pursuant to Section 37 of the Planning Act. Section 37 may be used to secure community benefits, provided the proposal represents good planning and is recommended for approval. Policy 4 within Section 5.1.1 outlines a threshold of $10,000m^2$ for developments that would trigger a Section 37 contribution.

Attachment 5 provides an excerpt of the Official Plan designation for the site and vicinity. The Toronto Official Plan is available on the City's website at: www.toronto.ca/planning/official_plan/pdf_chapter1-5/chapters1_5_dec2010.pdf

Sheppard/Warden Avenue Study

As an identified 'Avenue' on Map 2, Urban Structure, within the City's Official Plan, a City-initiated 'Avenue' Study for Sheppard Avenue East in the vicinity of Warden Avenue was conducted between 2009 and 2011. The goal of the study was to establish an implementation framework to help guide new development and public realm improvements for the portion of Sheppard Avenue East between the former hydro corridor west of Warden Avenue and Bay Mills Boulevard/Aragon Avenue. Following a final report on the study, an Official Plan Amendment and two Zoning By-laws were adopted by City Council in February 2012, providing the new planning structure for the study area. The Official Plan Amendment (OPA 143 through By-law 128-2012) created

new designations (for two properties), general built form parameters, and road/lane layouts, as well as outlining opportunities for new parks, open space and streetscape improvements. The amending zoning by-laws created new zones and standards for height, setbacks, vehicle and bike parking. They also established a requirement for a 45degree angular plane from adjacent low-density residential areas to ensure appropriate transitions from new development to existing neighbourhoods.

Section 3(a) of OPA 143, referencing built form and uses, indicates that:

- mid-rise buildings will be the predominant form of new development, with new development providing an appropriate transition in height, density and scale to lower-scale building elements; and
- a mix of uses is encouraged, where appropriate; non-residential uses will be concentrated on the Sheppard Avenue East and Warden Avenue frontages; small-scale retail, office and community uses which are part of an integrated development will be located in close proximity to the Sheppard Avenue East and Warden Avenue intersection.

The study area is divided into different zones that help to clarify the built form parameters for specific parts of each property. The front portion of the subject property is not in a specific zone, as it is meant to respond to the predominant mid-rise form of development mentioned above. The rear portion of the subject property is in the 'grade' related residential zone, which requires that "grade-related residential development only will be permitted on lands adjacent to existing stable residential neighbourhoods."

In addition, Section 3(b) of OPA 143, discussing public and private streets and lanes, indicates that "as a condition of development approval, new public streets and public lanes that serve to divide the existing lands into smaller blocks, provide a framework for organizing new uses and provide connections to Sheppard Avenue East and Warden Avenues, will be secured and be required to be dedicated to the City." Across the subject property, a public lane is identified as being required with a minimum right-of-way width of 8 m, within which a 2.0 m landscape buffer strip shall be provided.

Finally, the plan makes a brief mention of landscaping improvements that should be provided, stating that "publicly accessible private courtyards and walkway connections are encouraged to be provided as part of any new development to complement the public realm."

Official Plan Amendment 143 for the Sheppard/Warden Avenue Study can be found at: <u>http://www.toronto.ca/legdocs/bylaws/2012/law0128.pdf</u>

Infill Townhouse Guidelines

In 2003, City Council adopted Design Guidelines for the development of Infill Townhouses. The proposed 42-unit, four-storey, stacked-townhouse component of the development on the rear portion of the site will be reviewed based on these guidelines to ensure that it is in conformity with the guidelines. While the guidelines are not specific to stacked townhouses, they do provide a framework that has applicability to this type of townhouse design, as it contains sections on the organization of open spaces and yards, the relationship of buildings to grade, streetscape design including tree planting, and spacing requirements between buildings and/or townhouse blocks.

The City's Urban Design Guidelines for Infill Townhouses can be found at: <u>http://www.toronto.ca/planning/urbdesign/pdf/townhouseguideline.pdf</u>

Zoning

Two Zoning By-laws (129-2012 and 130-2012), which implemented the planning framework for the Sheppard/Warden Avenue Study, amended the Sullivan Community Zoning By-law (No. 10717) for the lands west of Warden Avenue and the Tam O'Shanter Community Zoning By-law (No. 12360) east of Warden Avenue. As a result of the recent adoption of these bylaws, the lands within the Sheppard/Warden Avenue Study area were exempted from the provisions of the City's new harmonized zoning bylaw 569-2013, enacted by City Council in May, 2013.

Under the original Tam O'Shanter Zoning Bylaw, the subject property was zoned HChighway commercial, with limited employment and automotive uses. The amended Tam O'Shanter Zoning By-law 130-2012 divided the subject property into two zones. The north portion of the site, fronting Sheppard Avenue East was zoned CR-H, or Commercial Residential with a holding provision. The rear portion of the site was zoned M-H or multiple-family residential, also with a holding provision. Each of these zones permits the proposed retail and residential uses, subject to the removal of the holding provision. The holding provision can only be lifted when:

Council is satisfied that land dedicated to the City for the design, construction and financing of new public street(s) [including lanes] has been satisfactorily reviewed by the Chief Planner and Executive Director in consultation with the Executive Director of Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

As a result, the proposed mixed-use development on the property would only be able to be contemplated through a zoning amendment upon satisfactory dedication of the required rear laneway, described earlier.

The amended Tam O'Shanter By-law also contains specific standards for the front and rear portions of the property with respect to gross floor area and density, angular planes, setbacks, height, landscaping, amenity space, and minimum and maximum parking standards.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has not yet been submitted, however the applicant will be encouraged to do so prior to a final report on this proposal being brought forward to Community Council for their consideration.

Tree Preservation

The applicant has provided a Tree Preservation Plan and Landscape Master Plan for the proposed development. These materials identify all of the existing trees on or adjacent to the site, including their species, condition, and intent to preserve/remove. There are a total of 79 trees on or adjacent to the subject property, 10 of which are city-owned street trees. The applicant is proposing to remove all of the city-owned trees, and 19 of the remaining trees on or adjacent to the site. The arborist report and landscape plans will be reviewed in detail by staff in Urban Forestry.

Reasons for the Application

Any redevelopment of the site for non-Highway Commercial type uses requires a zoning amendment, in accordance with the provisions of the amended Tam O'Shanter Zoning By-law. The main purpose of the zoning amendment is to remove the holding symbol, which can only be done when City Planning and Engineering and Construction Services (formerly Technical Services) staff are satisfied that the public lane requirement has been adequately addressed. In their current proposal, the applicant is not proposing to dedicate the laneway as a public street. They are proposing to grant an easement to the city for use of the laneway, once the adjacent properties are redeveloped. It is staff's position that should they not be providing a full conveyance, then an Official Plan amendment would be required, as this proposal would not be in conformity with the requirements of OPA 143, the implementing provisions of the Sheppard/Warden Avenue Study.

Other areas of non-compliance with the Tam O'Shanter Zoning By-law for the proposed development on the north portion of the subject property include:

- three metre upper-level stepback from the east and west lot lines, whereas five metres is required;
- 43% mechanical penthouse roof coverage whereas 30% is permitted; and
- 3.76x fsi whereas 2.5x fsi is permitted (note this calculation is for the north portion only, the overall density for the site is 2.59x fsi).

For the proposed development on the south portion of the subject property, the following areas of non-compliance, among others, have been identified:

- maximum height for street townhouse dwelling of 4 storeys, whereas only 3 storeys is permitted;
- stacked townhouses are not defined in the bylaw;
- the stacked townhouses are not fronting on a public street; and
- lack of adherence to the angular plane requirements between the CR and M zones (i.e. north and south portions) of the property.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- planning justification report;
- sun/shadow study;
- pedestrian level wind study;
- traffic impact study;
- geotechnical study;
- phase 1 environmental site assessment;
- functional servicing report and stormwater management report;
- noise and vibration impact study;
- tree preservation plan; and
- Toronto Green Standard checklist

A Notification of Complete Application was issued on July 16, 2013, indicating that the application was complete as of the date of submission, which was June 11, 2013.

Issues to be Resolved

The following is a list of issues to be resolved in the review of this application:

- consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
- conformity with Official Plan policies, particularly with respect to the sections on built form, public realm, and *Mixed Use Areas*;
- conformity with Official Plan Amendment 143, pertaining to the provisions of the Sheppard/Warden Avenue Study and in particular, the appropriateness of the proposed private rear lane with public easement, whereas OPA 143 required a dedicated public lane;
- built form and massing, including the adequacy of the proposed upper-level stepbacks for the mid-rise buildings and the angular plane provisions between the north and south portions of the site;

- compliance with the relevant portions of the Infill Townhouse Urban Design Guidelines for the rear, townhouse portion of the site;
- alignment of the proposed north-south access road from Sheppard Avenue East;
- location and quantity of proposed surface parking areas;
- the need for adequate visibility and ease of pedestrian access to the principal entrances of the north and south townhouse blocks;
- assessment of traffic and parking impacts generated by the proposed residential use;
- location and design of the proposed loading space;
- appropriateness of the proposed park dedication;
- the proposed sustainability strategy for the project and the potential for the applicant to pursue Tier Two of the Toronto Green Standard; and
- identification and securing of possible public benefits pursuant to Section 37 of the Planning Act, due to the increase in height and density.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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E-mail: <u>wmacrae@toronto.ca</u>

SIGNATURE

Raymond David, Director Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

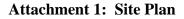
- Attachment 2: North and South Elevations [as provided by applicant]
- Attachment 3: East Elevation

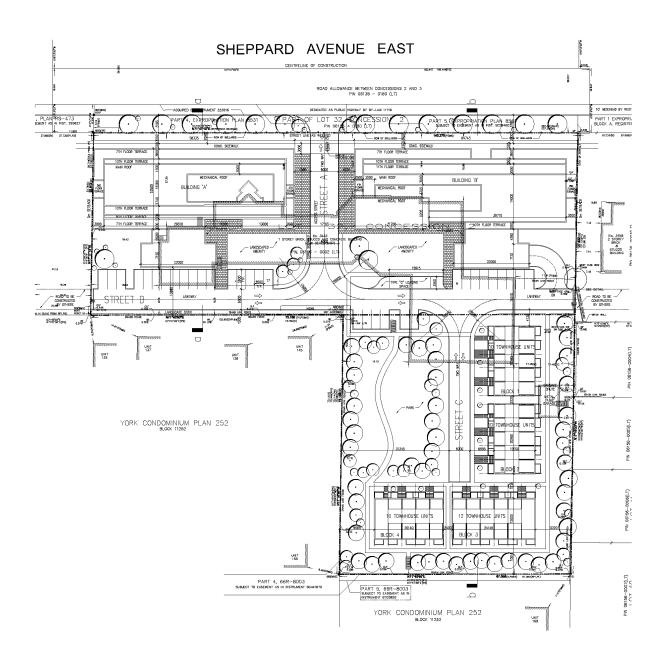
Attachment 4: Townhouse North and South Elevations

Attachment 5: Official Plan

Attachment 6: Zoning

Attachment 7: Application Data Sheet





3445 Sheppard Avenue East

Applicant's Submitted Drawing Not to Scale

Site Plan

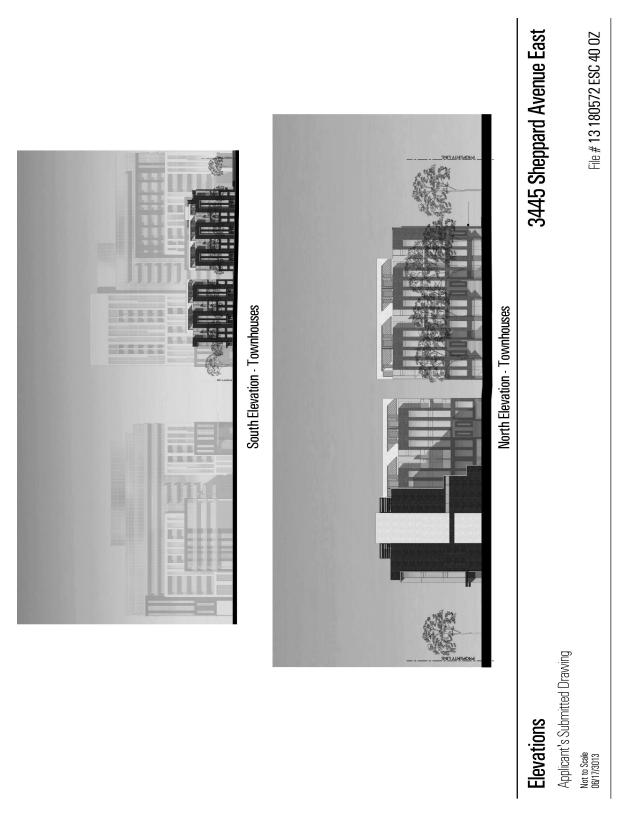
File #13 180572 ESC 40 OZ



Attachment 2: North and South Elevations

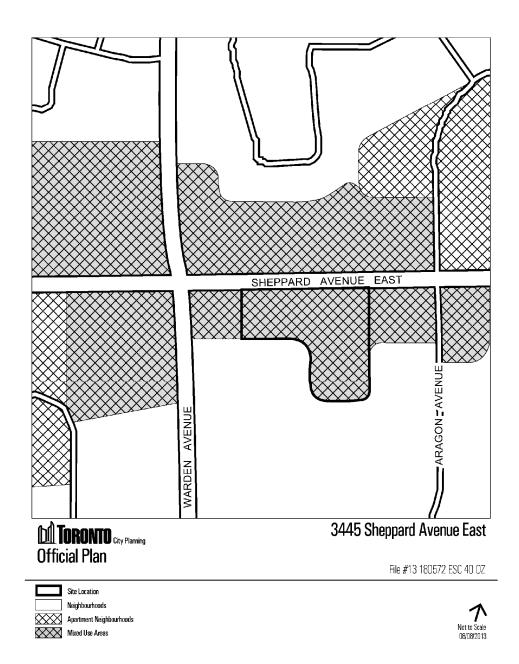
3445 Sheppard Avenue East File # 13 180572 ESC 40 0Z TOP OF N East Elevation MM Applicant's Submitted Drawing Elevations Not to Scale 06/17/3013



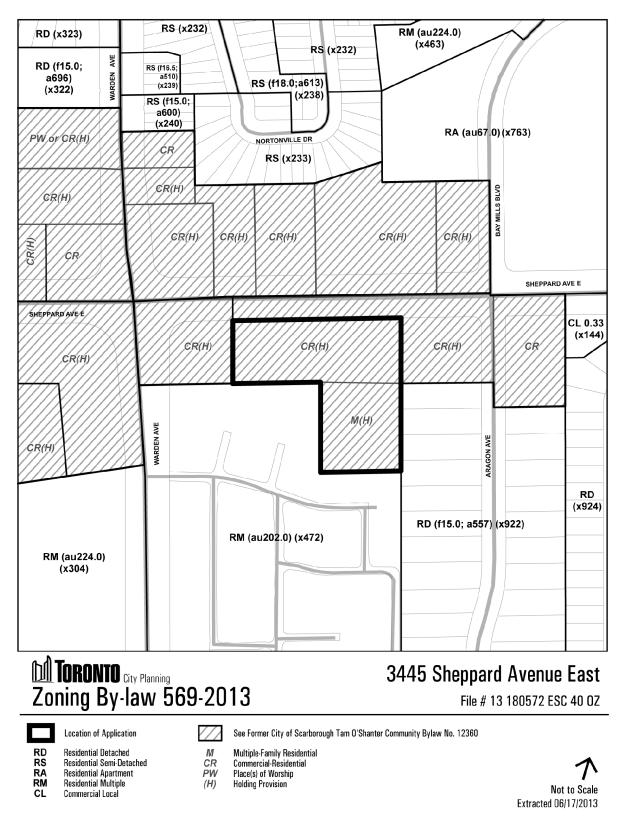


Attachment 4: Townhouse North and South Elevations

Attachment 5: Official Plan Designations







Attachment 7: Application Data Sheet

Application Type Rezoning		ng		Application Number:		13 180572 ESC 40 OZ			
Details Rezoning, Sta		Standard	Application Date:		June	June 4, 2013			
Municipal Address:	3445 SHE	3445 SHEPPARD AVENUE EAST							
Location Description:		CON 2 PT LOT 32 **GRID E4004							
Project Description:	containing stacked to	Proposed residential development consisting of 2 mid-rise buildings of 11 and 10 storeys containing 329 units with retail at grade fronting Sheppard Ave. E. and four blocks of stacked townhouses containing 42 units to the rear of the site. A total of 371 units, 431 parking spaces and 339 bike parking spaces are proposed.							
Applicant:	Agent:		Architect:		Owne	r:			
WESTON CONSULTING GROUP INC. RYAN GUETTER			ARCHITECTURE UNFOLDED		81884	8188475 CANADA CORP			
PLANNING CONTROLS									
Official Plan Designation: Mixed Use Area		e Areas	Site Specific Provision:		N/A	N/A			
Zoning:	Zoning: HC – Highway		Historical Status:		N/A	N/A			
Height Limit (m):			Site Plan Control Area:		Y	Y			
PROJECT INFORMATIC	N								
Site Area (sq. m):		12438	Height:	Storeys:	11				
Frontage (m):		140.27		Metres:	35				
Depth (m):		127.82							
Total Ground Floor Area (sq. m):		3144			-	Fotal			
Total Residential GFA (sq. m):		31231		Parking Space	es: 4	431			
Total Non-Residential GFA (sq. m):		1016		Loading Docl	ks ()			
Total GFA (sq. m):		32247							
Lot Coverage Ratio (%):		25.3							
Floor Space Index:		2.6							
DWELLING UNITS		FLOOR AI	REA BREAK	DOWN (upon	project co	ompletion)			
Tenure Type:	Condo			Ab	ove Grad	e Below Grade			
Rooms:	0	Residential C	GFA (sq. m):	312	231	0			
Bachelor: 0		Retail GFA (Retail GFA (sq. m):		6	0			
1 Bedroom:	224	Office GFA (ice GFA (sq. m):			0			
2 Bedroom:	124	Industrial GF	FA (sq. m):	A (sq. m): 0		0			
3 + Bedroom:	23	23 Institutional/C		Other GFA (sq. m): 0		0			
Total Units:	371								
CONTACT: PLANN	ER NAME:	Willie Macra	e, Senior Pla	nner					
TELEP	HONE:	416-396-7026	or <u>wmacrae</u>	@toronto.ca					