

TORONTO STAFF REPORT

May 22, 2001

To: North Community Council

From: Director, Community Planning, North District

Subject: Final Report
Application to Amend the Official Plan and Zoning By-law
Owner: 1410839 Ontario Limited (Tor-Bel Group)
Applicant: Nick Sampogna
Address: 886-896 Sheppard Avenue West
File: TB CMB 2000 0001
Ward : 10 – York Centre

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 6 storey, mixed use commercial-residential building, containing 97 residential units, on lands municipally known as 886, 890, 894 and 896 Sheppard Avenue West.

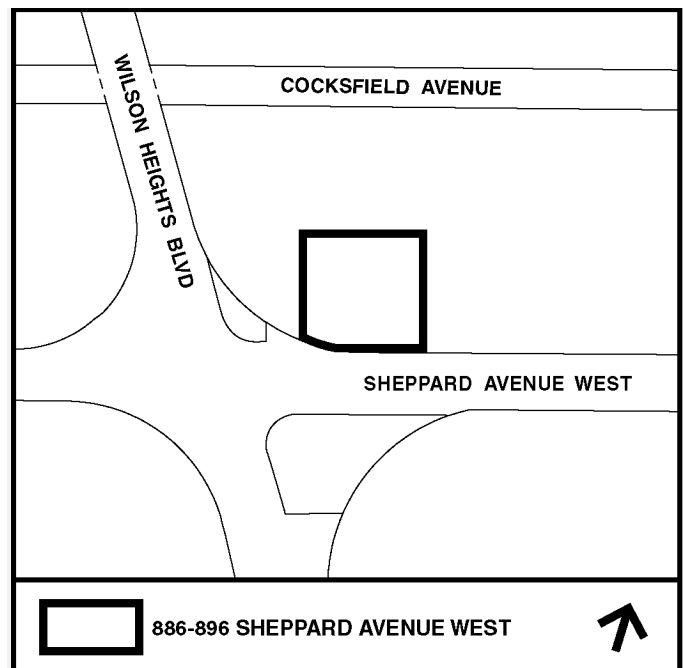
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of North York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6.
- (2) Amend Zoning By-law No. 7625 for the former City of North York generally in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.



- (3) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (4) Before introducing the necessary Bills to City Council for enactment, the applicant is required to:
 - (a) enter into a Site Plan Agreement under Section 41 of the Planning Act; and
 - (b) convey or cause to be conveyed to the City for a nominal fee, free of all encumbrances, the following lands for dedication as a public highway:
 - (i) a 2.76 metre widening across the entire Sheppard Avenue West frontage of the subject development.

Background:

Proposal

This proposal is for the redevelopment of four residential lots, presently developed with single detached houses, and municipally known as 886, 890, 894 and 896 Sheppard Avenue West respectively. The applicants intend to remove the existing dwellings, consolidate these lots into one parcel and redevelop the site with a 6 storey condominium building that contains 325 m² of ground floor commercial (medical office) and 97 residential units. The proposed mix includes 10 one bedroom units, 76 two bedroom units and 11 three bedroom units.

A rooftop landscaped area, approximately 440 m² in area, is proposed to be provided.

A total of 159 parking spaces are proposed, 49 at grade parking spaces and 110 below grade parking spaces. The proposed development has a total gross floor area of 9946 m² which results in a density of 2.6 F.S.I. Refer to Attachment No. 5 for project data.

Site and Surrounding Area

The subject lands have approximately 63.78 metres of lot frontage on the north side of Sheppard Avenue West and are located approximately 26 metres east of the intersection of Wilson Heights Boulevard and Sheppard Avenue West. The lands are approximately 0.38 ha (0.94 acres) in lot area.

Surrounding uses are as follows:

North: Single detached residential dwellings located on the south side of Cocksfield Avenue;

South: On the south side of Sheppard Avenue West is an existing 5 storey mixed use commercial-residential building (547-555 Wilson Heights Boulevard) and to the east of this is a retail strip development;

East: Single detached residential dwellings located on the north side of Sheppard Avenue West;

West: A private school (The Kaveh Academy) beyond which is a seven storey mixed use commercial-residential development currently under construction.

Official Plan

The subject lands are designated MCR (Mixed Commercial Residential) in the Sheppard West/Dublin Secondary Plan. This designation permits residential uses; retail and service commercial uses; office uses; community, government, educational and religious institutional uses; parks and recreational facilities and public utilities. The preferred form of mixed use development will contain ground floor commercial uses with upper floor residential uses.

Commercial/Residential Mixed uses on lots with a frontage of 30 metres or more and a total F.S.I. of 2.0 with ground floor commercial are permitted. In addition, the maximum height of any building shall be 5 storeys and the height of any building shall not exceed the horizontal distance separating the building from the nearest property line that coincides with the boundaries of the Secondary Plan unless the boundary forms a street line. In any case, the horizontal setback will not be less than 9.5 metres from a boundary not forming a street line.

Zoning By-law 7625

The site is currently zoned R4 (one-family detached dwelling fourth density zone) which generally permits single detached dwellings and accessory buildings.

Site Plan Control

The applicant has also applied for Site Plan Approval for the proposed 6 storey building.

Reasons for Application

The proposed use conforms to the MCR designation. This designation, however, permits a maximum density of 2.0 F.S.I. and a maximum building height of 5 storeys. The proposed development has a density of 2.6 F.S.I and a proposed building height of 6 storeys. Accordingly, an amendment to the Official Plan is required in order to permit an increase in both density and height.

The existing R4 zone only permits single detached residential dwellings. A zoning by-law amendment is required in order to permit the proposed mixed use commercial-residential development and at the height and density proposed.

Community Consultation

The proposal was presented to the community at a Community Consultation Meeting held on February 13, 2001 at William Lyon Mackenzie Collegiate Institute. The meeting was attended by Councillor Feldman and his Executive Assistant, City planning staff, the applicants and their project architect. The following comments and concerns were raised:

- the compatibility of the proposed development with the existing residential area to the north on Cocksfield Avenue;
- that new development should be required to adhere to the current Secondary Plan policies;
- the height of the building at 6 storeys;
- loss of privacy to the abutting residence to the east located at 884 Sheppard Avenue West.

Subsequent to the Community Consultation Meeting two written submissions were received:

- (1) The owners of 884 Sheppard Avenue West, which abuts the property on the east, advising that they object to the inclusion of windows and balconies facing east. Loss of privacy and the impact of future redevelopment of 884 Sheppard West on this development were also raised. In addition, should the development proceed, a solid concrete fence should be constructed between the proposed development and this site in order to decrease noise and increase privacy.
- (2) Written comments signed by approximately 40 individuals from various areas, indicating they are strongly opposing the development. Comments pertain primarily to impacts on 884 Sheppard Avenue West and a desire for greater building setbacks from the side lot line.

Comments raised at the meeting and written submissions received have been considered in the review of this proposal and in the preparation of this report.

Agency Circulation

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

Transportation Services Division, Works & Emergency Services have advised that the proposed parking and loading spaces comply with the zoning by-law standards and also noted site plan issues. There is additional land required for right-of-way purposes. To satisfy the requirements of the 36 metre right-of-way for Sheppard Avenue west, a widening measuring approximately 2.76 metres must be conveyed to the City of Toronto. The written comments, dated January 8, 2001, are included as Attachment 8.

Technical Services Division, Works & Emergency Services have commented regarding roadways, sidewalks, storm and sanitary sewers, service connections and solid waste and recycling collection. The solid waste collection arrangement has been deemed acceptable by way of email comments dated April 11, 2001. The written comments, dated January 9, 2001, are included as Attachment 9.

Policy & Development Division, Economic Development, Culture & Tourism advise that the development will be subject to both 2% and 5% cash-in-lieu of parkland dedication payment, under By-law 30152 of the former City of North York and will be payable prior to building permit issuance. The written comments, dated February 12, 2001, are included as Attachment 10.

Public Health, Toronto Hydro, Toronto Transit Commission, and Rogers Cable have all indicated that they have no objection or concern with the proposal.

Planning Considerations

1. Land Use

The proposed mixed use, commercial / residential development is permitted by the MCR policies of the Official Plan. No concerns have been raised about the intended use of the building.

2. Height and Massing

(a) General:

The height limit for lands within the Sheppard West/Dublin Secondary Plan is determined by a 45 degree angular plane and a minimum 9.5 metre setback measured from the Secondary Plan boundaries. In addition, lands located within the MCR designation are subject to a maximum 5 storey height limit. The height of the proposed building is 6 storeys, however a 45 degree angular plane has been maintained from the abutting residential uses to the north due to an 18.8 metre rear yard setback. Shadow impacts from the proposed sixth storey will not adversely impact the residential uses on Cocksfield Avenue to the north. The area of the proposed rooftop mechanical penthouse, although disregarded in the calculation of building height, has been kept to a minimum (85 m²) due to the provision of a hydraulic elevator.

In accordance with the Urban Design policies of the Secondary Plan, the proposed building is located to the street (Sheppard Avenue) and the commercial uses are also oriented to and front on Sheppard Avenue. Also, the front (southerly) of the building has been located within 0.3 metres of the side lot lines in order to achieve a continuous building façade and a pedestrian oriented streetscape.

(b) Abutting Land Uses:

(i) 884 Sheppard Avenue West:

Impacts on the abutting residence located to the east at 884 Sheppard Avenue West have been examined. These lands are also located within the MCR designation and currently contain a one storey single detached residential dwelling. According to a plan of survey, dated September 2000, the existing dwelling is 3 metres from the westerly side lot line and approximately 12 metres from the eventual front lot line when the required Sheppard Avenue road widening is accommodated.

All lands located within the MCR designation are intended to redevelop in accordance with the policies of the Official Plan, preferably in consolidation with adjacent properties. The intent is for existing single detached dwellings to be replaced with more intense, mixed commercial-residential uses. The opportunity for redevelopment of 884 Sheppard Avenue West exists, especially in conjunction with adjacent lands to the east located on the north side of Sheppard Avenue.

The proposed 6 storey building has been designed in accordance with the Urban Design policies of the Secondary Plan (see discussion above). The building has regard for these policies but is also sympathetic to the residence to the east given the proposed easterly side yard setback increases to 4 metres at a distance 9.75 metres from the front lot line. With the existing setback of the house at 884 Sheppard Avenue West, this results in a building separation of 7 metres (23 feet). This separation, combined with a fence of appropriate height and construction and landscaping will provide an adequate buffer between the existing single detached dwelling and the proposed 6 storey building. In addition, the proposed residential balconies are recessed into the building and project only project 0.5 metres into the proposed easterly side yard. The result is that the abutting house does not suffer an unreasonable loss of privacy.

(ii) 900 Sheppard Avenue West:

A private school (The Kaveh Academy) is located on the abutting lands to the west within an existing one storey building municipally known as 900 Sheppard Avenue West. These lands have sufficient lot frontage and depth to be redeveloped in accordance with the policies of the plan. A Committee of Adjustment application for a minor variance (File A249/01) has been filed in order to permit a second storey addition to the existing school, effectively doubling the gross floor area of the building.

3. Traffic Impact, Access and Parking

A Traffic Impact Study examining the operation of and impacts on the Sheppard / Wilson Heights Boulevard signalized intersection and queuing on Sheppard Avenue east of the intersection, and the effects on site access was prepared by Read, Voorhees & Associates Ltd. The report concludes that the site driveway will operate at a good level of service, that traffic signal coordination modifications are required and that the Sheppard/Wilson Heights intersection

will operate at an acceptable level of service under future traffic conditions. Works and Emergency services have reviewed the report and indicated that they have no concerns with the application.

A total of 159 parking spaces are proposed to be provided, 49 surface spaces and 110 below grade. The proposed number of parking spaces complies with the standards of the Zoning By-law. The location of the parking spaces complies with the Secondary Plan, Section 3.2.2 which states that new parking facilities shall generally be located either behind the principal structure or below grade.

4. Impact on Stable Residential Area

Adequate protection to the stable residential area to the north on Cocksfield Avenue has been provided. A rear yard setback of 18.8 metres (61.6 feet) is proposed. A 1.8 metre landscape strip is proposed along the rear lot line. Suitable fencing will be secured through the site plan process. Garbage receptacles are located inside the main building with the garbage pickup area located at the midway point of the building. Surface parking has been kept to a minimum and the underground parking ramp is also located at the midway point of the building, away from the rear yard abutting the residential areas.

5. Density

The Mixed Commercial Residential (MCR) designation within the Sheppard West / Dublin Secondary Plan permits lots with a frontage of 30 metres or more and with ground floor commercial uses to develop at a density of 2.0 FSI. The proposed density of development is 2.6 FSI. Increased density of development is supportable at this location given the existing lot area and lot depth, proposed building setbacks, the provision of a 45 degree angular plane, and the provision of adequate landscaped open space, parking and loading facilities.

6. Site Plan

This development is also subject to Site Plan Control under Section 41 of the Planning Act. A site plan application has been filed and is currently in circulation. Detailed issues relating to streetscape improvements, appropriate buffering such as fencing and landscaping, and parking layout are addressed through this process.

Conclusions:

The proposal for a 6 storey mixed-use building at a density of 2.6 FSI is in conformity with the policies of the Sheppard West/Dublin Secondary Plan as it relates to use and urban design. The proposed increase in permitted height and density is supportable given the site's locational attributes and configuration, the provision of a 45 degree angular plane and that there are no demonstrated adverse impacts on the abutting stable residential lands to the north. Detailed landscaping and fencing can be addressed at the site plan approval stage.

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List of Attachments:

Attachment 1: Site Plan
Attachment 2a: Elevations
Attachment 2b: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: Works and Emergency Services, Transportation Services (January 8, 2001)
Attachment 9: Works and Emergency Services, Technical Services (January 9, 2001)
Attachment 10: Economic Development, Culture & Tourism, Parks (February 12, 2001)