

# **1181 Sheppard Avenue East - Official Plan Amendment and Zoning Amendment Applications – Preliminary Report**

Date: January 13, 2020

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 17 - Don Valley North

**Planning Application Number:** 19 264391 NNY 17 OZ

**Current Uses on Site:** Vacant (formerly part of Canadian Tire distribution centre)

## **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 1181 Sheppard Avenue East. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1181 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 application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.
3. Staff review the application concurrently with the Sheppard Avenue East (East of Bayview to Leslie) Focused Planning Review.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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The subject site is part of the former Canadian Tire lands which were located on the south side of Sheppard Avenue west of the Leslie subway station and the Bessarion subway station, extending south to Highway 401, and which totalled 20 hectares (50 acres) in area. In 2000 Canadian Tire filed an application for a mixed use re-development for the entire 20 hectare property. In order to ensure the area was planned as a comprehensive, mixed use community, the Bessarion-Leslie Context Plan was undertaken and, after community consultation, was approved in 2002. A Zoning by-law (1094-2002) and a Plan of Subdivision implemented the Bessarion-Leslie Context Plan, and provides the implementation tools for a public road network, streetscape character, pedestrian connections, development density and building heights for the property. In 2006 Canadian Tire sold the majority of these lands to Concord Adex but retained ownership of the subject site which is identified as formerly part of 1181 Sheppard Avenue East. It is located on the southwest corner of Sheppard Avenue East and the CN rail line, west of Leslie Street.

In 2008, Canadian Tire filed applications for an Official Plan and Zoning By-law amendment on the subject property in order to permit a new 25-storey head office building for the Canadian Tire Corporation, which included ancillary retail uses, a new daycare facility, and a direct pedestrian connection to the Leslie subway station. On October 1, 2009 City Council approved the applications subject to a holding (H) provision which may be lifted when the conditions respecting a safety feature on the property related to the adjacent CN Rail line are satisfied and when site plan approval is granted. A section 37 contribution of \$1,000,000 towards the provision of a public community centre, streetscaping improvements along Sheppard Avenue East, on-site public art, and the incorporation of green building technologies such as daylight harvesting were also to be secured prior to Site Plan approval.

City Council's decision can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.NY27.53>

Canadian Tire ultimately decided not to pursue the relocation of their head office building to this location and did not pursue any further planning or building approvals. Concord Adex purchased the site from Canadian Tire in 2019.

### **Sheppard Avenue East (Bayview to Leslie) Focused Planning Review**

On June 26 - 29, 2018, City Council passed a motion directing City Planning, in consultation with appropriate City Divisions to review the existing policies contained within the Sheppard East Subway Corridor Secondary Plan for the Mixed Use Areas and Institutional Areas located to the north and south of Sheppard Avenue East between the east side of Bayview Avenue and the east side of Leslie Street. The subject site falls within this study area. The review will analyse the existing and planned built form context to clarify, refine, and/or strengthen the appropriate density and height limitations and other planning and built form policies for the specified area. This Council motion also directed staff to evaluate whether there is potential for appropriate, grade-related, low-rise intensification opportunities on existing older two-storey and three-

storey townhouse and apartment building properties in the vicinity of Talara Drive and Highway 401 that are designated *Neighbourhoods* and *Apartment Neighbourhoods*.

## ISSUE BACKGROUND

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### Application Description

This application proposes to amend the Sheppard East Subway Corridor Secondary Plan Map 9-2 and the former City of North York Zoning By-law No. 7652 and Zoning By-law 1094-2002, as amended by Zoning By-law 961-2009, for the property at 1181 Sheppard Avenue East to permit a mixed use development comprised of a 25-storey (89 metres) tower with 36,085 square metres of office space, and a 22-storey (73 metres) residential tower with 513 residential units. The office and residential towers are connected by a shared 5 storey base building containing 4,996 square metres of retail space and a 740 square metre day nursery. The office building is oriented in a north-south manner, spanning from Sheppard Avenue East to the Singer Court frontage, and located on the east portion of the site, adjacent to the Metrolinx rail corridor. The residential building is oriented in an east-west fashion, and the tower portion of the residential building is setback from the Sheppard Avenue frontage by 28.1 metres. The two towers are connected in a "T"-like formation, with the office tower perpendicular to the residential tower. The overall floor space index (FSI) is 8.66.

The residential units are comprised of the following:

Unit Type	Number	Percentage of Total
Studio	311	60.6%
1-bedroom	44	8.6%
1-bedroom plus den	36	7.0 %
2-bedroom	69	13.5%
3-bedroom	53	10.3%
<b>Total</b>	<b>513</b>	<b>100%</b>

A total of 770 square metres of indoor amenity space is proposed for the residential building on residential floor three. A 775 square metre outdoor residential amenity area is also proposed on residential level three, adjacent to the indoor residential amenity area.

A new Privately Owned Publicly Accessible Space (POPS) is also proposed along the eastern edge of the site, next to the proposed office building and adjacent to the Metrolinx rail corridor. The POPS space provides a publicly accessible pedestrian connection to the Leslie subway station on the TTC's Line 4 subway and the future relocated Oriole GO station from Singer Court through a proposed tunnel connection. The ground floor atrium of the proposed office building is also proposed to be open to

the public during subway operating hours, and would provide an indoor connection through the office building to the Leslie subway station.

Vehicular access to the site is proposed via Singer Court, and a secondary right-in/right-out access is proposed from Sheppard Avenue East. The parking layout also provides the opportunity for a tunnel driveway connection south to Esther Shiner Boulevard, through the adjacent residential building at the P1 level. A total of 1,035 vehicular parking spaces are proposed in eight levels of parking. Four levels of which are underground, and four levels of which are on concourse levels within the podium of the building from the Sheppard Avenue frontage, but underground from the Singer Court frontage, due to the fact that the site has a grade difference of approximately 3 storeys. A total of 404 long-term and 114 short-term visitor bicycle parking spaces are also proposed.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context and Attachment 3 for the proposed Site Plan.

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

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Planning for Major Transit Station Areas**

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its

implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Avenues* on Urban Structure Map 2 of the Official Plan and is designated *Mixed Use Areas* on Land Use Map 19. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. *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. Sheppard Avenue East is identified as a *major street* on Map 3 with a planned right-of-way width of 36 metres.

The application is also located within the Sheppard East Subway Corridor Secondary Plan. The site is designated as *Mixed Use Areas* subject to a maximum density of 7.5 times the area of the land as shown on Map 9-2, and is located within the Leslie Node (Area C) as shown on Map 9-3. The subject site is identified as a key development area. The Leslie Node is located around the intersection of Sheppard Avenue East and Leslie Street, and includes the Leslie subway station on the Toronto Transit Commission's (TTC) Line 4.

As identified in the Sheppard East Subway Corridor Secondary Plan Area C, the Leslie Subway station will be an interchange station, and an employment development node, providing prime opportunities to capitalize on the superior transit accessibility at this location. Policy 4.2.4 states that lands south of Sheppard Avenue, and designated *Mixed Use Areas*, will be developed predominantly for non-residential employment and service commercial uses, which may, among other considerations, be complementary to North York General Hospital. Policy 4.2.4 (a) identifies that the distribution of densities should be highest closest to the Leslie subway station. Policy 4.2.4 (f) acknowledges the previous application by Canadian Tire for an office building at this location, and states that in lieu of the provision of a public community centre, in exchange for the additional density of 23,106 square metres, the City may accept a monetary contribution towards the costs of constructing and equipping the public community centre.

The urban design policies of the Secondary Plan recognize that new buildings should be sufficiently set back from the Sheppard Avenue road allowance to accommodate the planned widening and any streetscape initiatives of the City. Policy 4.4.2 (b) of the Secondary Plan states that the height and massing of buildings should minimize excessive shadowing, wind or snow drifting effects within blocks, along streets, and within open space areas. As per policy 4.4.2 (d), particular attention will be given to the height relationship between new buildings within the *Mixed Use Areas* and detached and semi-detached dwellings on the properties designated *Neighbourhoods* outside the development nodes. The height of any building or any portion thereof will not exceed the horizontal distance separating such building or any portion from the nearest property

line of a lot within a designated stable residential area. Greater heights should be permitted at the major intersections, near the transit stations (subway and GO) and adjacent to Highway 401. Policy 4.4.2 (e) states that buildings should be designed with a maximum height based on a 1:1 height to street width ratio, however exceptions to this standard may be accommodated through the treatment of bulk and mass of buildings, as well as detailed elevation articulation. It is intended that the greatest density, height, and mass of new buildings will be along Highway 401, at the major intersections, and at locations with the greatest accessibility to public transit.

The Sheppard East Corridor Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9-SheppardEast.pdf>

## **Zoning By-laws**

The site is zoned General Commercial (C1)(111)(H) in the City of North York Zoning By-law 7625, as amended by site-specific by-law 961-2009. The site specific zoning permits a number of general commercial uses such as banks, business and professional offices, day nursery, fitness centre, personal service shops, restaurants and retail stores. The maximum permitted gross floor area on the lands is 63,550 square metres. The maximum building height is 76 metres (20 storeys). The zone exception also provides for a number of site specific regulations including yard setbacks, provision of outdoor amenity space, site specific parking and loading rates, and site specific Section 37 requirements. The site specific exception is subject to a holding (H) provision which may be lifted when the conditions respecting safety requirements on the property related to the adjacent CN Rail line are satisfied and when site plan approval has been granted.

The site is not subject to Zoning By-law 569-2013. However, it is anticipated that should this application be approved in some form then any potential zoning amendments would be incorporated into Zoning By-law 569-2013.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines;
- Bessarion-Leslie Context Plan;
- Growing Up: Planning for Children in New Vertical Communities Design Guidelines; and
- Bird-Friendly Development Guidelines.

The Bessarion-Leslie Context Plan is a set of urban design guidelines that applies to the lands located south of Sheppard Avenue, west of Leslie Street (excluding the lot located on the southeast corner of Provost Drive and Sheppard Avenue), north of Highway 401

(excluding the lot located west of the CPR and north of Highway 401) and east of the lots on Bessarion Road. The Context Plan provides a development framework is to be used as a guide to the form and layout of new development within the Context Plan lands. The plan provides for a Structure Diagram, a Linkages Diagram and a Height Diagram that graphically illustrates the essential elements and important relationships that will shape the emerging community.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

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### **Reasons for the Application**

An amendment to the Sheppard East Subway Corridor Secondary Plan is being sought to increase the maximum permitted density on the lands to 8.7 times the area of the lands, whereas the Secondary Plan permits a maximum density of 7.5 times the area of the lands.

An amendment to the former City of North York Zoning By-law No. 7625, as amended by Zoning By-law 961-2009, is required to permit the proposed residential use, the proposed height and density, and to incorporate appropriate development standards for the proposed development.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Official Plan Conformity**

The site is subject to the policies of the Sheppard East Subway Corridor Secondary Plan. Staff are reviewing the proposed land use mix, including the proportion of residential and non-residential uses. The Secondary Plan states that the Leslie node is to be an employment focused node, and that lands south of Sheppard Avenue East should be predominantly developed for non-residential employment and service commercial uses. Per the Secondary Plan, the maximum permitted density on the lands is 7.5 times the area of the site. The applicant is seeking to increase this maximum to 8.7. Staff are reviewing the appropriateness of the proposed Official Plan amendment and the proposed density, which is discussed further below under the section regarding the Sheppard Avenue East (East of Bayview to Leslie) Focused Planning Review.

## **Built Form, Planned and Built Context**

Staff are assessing the suitability of the proposed site organization, building placement and setbacks, height and massing, based on Sections 2 (q) and (r) of the Planning Act; the City's Official Plan including the built form policies in Section 3.1.2, the public realm policies in Section 3.1.1, the Mixed Use Areas policies in Section 4.5, the built form policies in the Sheppard East Subway Secondary Plan, the Bessarion-Leslie Context Plan, and the City's Design Guidelines identified above.

The Secondary Plan policies regarding height state that generally, buildings should be designed with a maximum height based on a 1:1 height to street width ratio, and exceptions to this standard may be accommodated through treatment of bulk and mass of buildings, as well as detailed elevation articulation. Along the Sheppard Avenue frontage there is a desire to relate the height and mass of development to a pedestrian scale while framing the street edge at a scale that balances the street width. The applicant is proposing two tall buildings on top of a five storey podium, at heights of 26 storeys (89 metres) and 22 storeys (74 metres) respectively. The built form proposed is that of a tall building typology, which exceeds the general 1:1 height to street width maximum stated in the Secondary Plan. The existing site specific zoning by-law permits a tall building office tower of 20 storeys (76 metres), with a three storey (15 metre) podium height along Sheppard. The existing zoning envelope is for a rectangular, "slab" style building with a setback from Singer Court that ranged from 19 metres to 38 metres. Staff are reviewing the application to determine the appropriateness of the proposed massing, scale, proposed building setbacks, transition, and compatibility of the proposal with the planned context of the area. Staff are also assessing the proposal against the Tall Building Design Guidelines including guidelines related to height, base building height and scale, street animation, building setbacks and step backs, tower placements, tower floorplates, separation distances, façade and tower articulation, and pedestrian realm improvements.

The applicant has submitted a Sun/Shadow Study and a Pedestrian Level Wind Study in support of the application that are currently being reviewed by City staff.

## **Site Layout and Organization**

Staff are reviewing the appropriateness of the location and organization of the vehicular access to the parking garages, the drop-off and loading areas, and their relationship to the public realm, based on the Official Plan transportation policies in Section 2.2, and the Mixed Use Areas policies in section 4.5, among others. Staff are also reviewing the appropriateness of the building orientation and location of the POPS space. The Bessarion-Leslie Context Plan identifies a pedestrian connection through the site as a "short-cut" to the Leslie subway station, and also identifies a direct underground pedestrian connection from this site to the Leslie subway station. Staff are reviewing the provision of these publicly accessible pedestrian connections. This site is adjacent to not only a TTC subway station but a future GO transit train station as well.



## **Sheppard Avenue East (East of Bayview to Leslie) Focused Planning Review**

As noted above in the Decision History section of this report, City staff are undertaking a focused planning review of this segment of Sheppard Avenue East, between the east side of Bayview Avenue and the east side of Leslie Street, with a particular focus on built form, transportation, and servicing issues. Staff recommend that this application be reviewed concurrently with the focused planning review, so that the cumulative impacts of such a proposed increase in density and height on transportation and servicing infrastructure and other remaining soft sites in the area can be better understood.

Given the increases in height and density proposed as part of this application, staff have requested that the applicant to provide a cumulative impact analysis which analyses what the impacts are on built form, transportation, and servicing infrastructure, should other potential sites in the study area also seek this same proportional increase in density and height as this proposal. This cumulative impact analysis would not only inform the City's review of the application, but also inform the City's focused planning review. Staff are hosting a community kick-off meeting on January 27, 2020.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The arborist report identified 24 City-owned trees within the right-of way that meet the criteria for protection under the City's Tree protection policies, which are proposed to be removed due to the proposed development and replaced. The arborist report states that there are no Private trees to be removed that meet the requirements of the Private Tree By-law.

The Arborist Report, Tree Preservation and Landscape Plans have been circulated to Urban Forestry staff for review.

### **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed on the searchable database TO maps. The subject site is identified as having archaeological resource potential as per the City's database. The applicant has provided a Stage 1 Archaeological Assessment, which is currently under review by City staff.

### **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in

community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

City staff are evaluating the impact of the proposed development including the proposed day nursery and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population. City staff are also reviewing the applicant's CS&F study, the Secondary Plan CS&F policies, site specific policies and growth related studies that apply to the application.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title for developments that meet the thresholds established in the Official Plan.

The proposal in its current form proposes a gross floor area of 72,861 square metres, and would be subject to the Section 37 community benefits policies in the Official Plan. Staff will also be reviewing the current Section 37 provisions in the Zoning By-law for this site to determine if they should be amended.

### **Infrastructure/Servicing Capacity**

Engineering and Construction Services staff are reviewing the Functional Servicing and Stormwater Management Report provided by the applicant with the submission, the purpose of which is intended to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and to identify and provide the rationale for any new infrastructure and/or upgrades to existing infrastructure necessary to provide for adequate servicing to the proposed development.

The Transportation Impact Study submitted by the applicant, is currently being reviewed by Transportation Services and Transportation Planning staff, the purpose of which is to evaluate the effects of the development on the transportation system, and also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development. Staff will also be reviewing the appropriateness of the proposed access routes.

Staff are also evaluating the appropriateness of the proposed parking supply given the site's proximity to higher order transit, as well as the suggested Transportation Demand Management (TDM) measures.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law

Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

### **Other Matters**

Staff are also reviewing the following matters:

- adequacy and appropriateness of the separation distance and safety measures of the proposed development from the abutting Metrolinx railway line;
- the proposed phasing of the development to ensure that any office use component is constructed prior to or concurrent with the proposed residential uses;
- the proposed unit types and unit sizes against the Growing Up Guidelines; and
- the proposed design and configuration of the tunnel connection to the Leslie subway station and the opportunity for a potential future connection to the Go Station.

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

### **CONTACT**

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### **SIGNATURE**

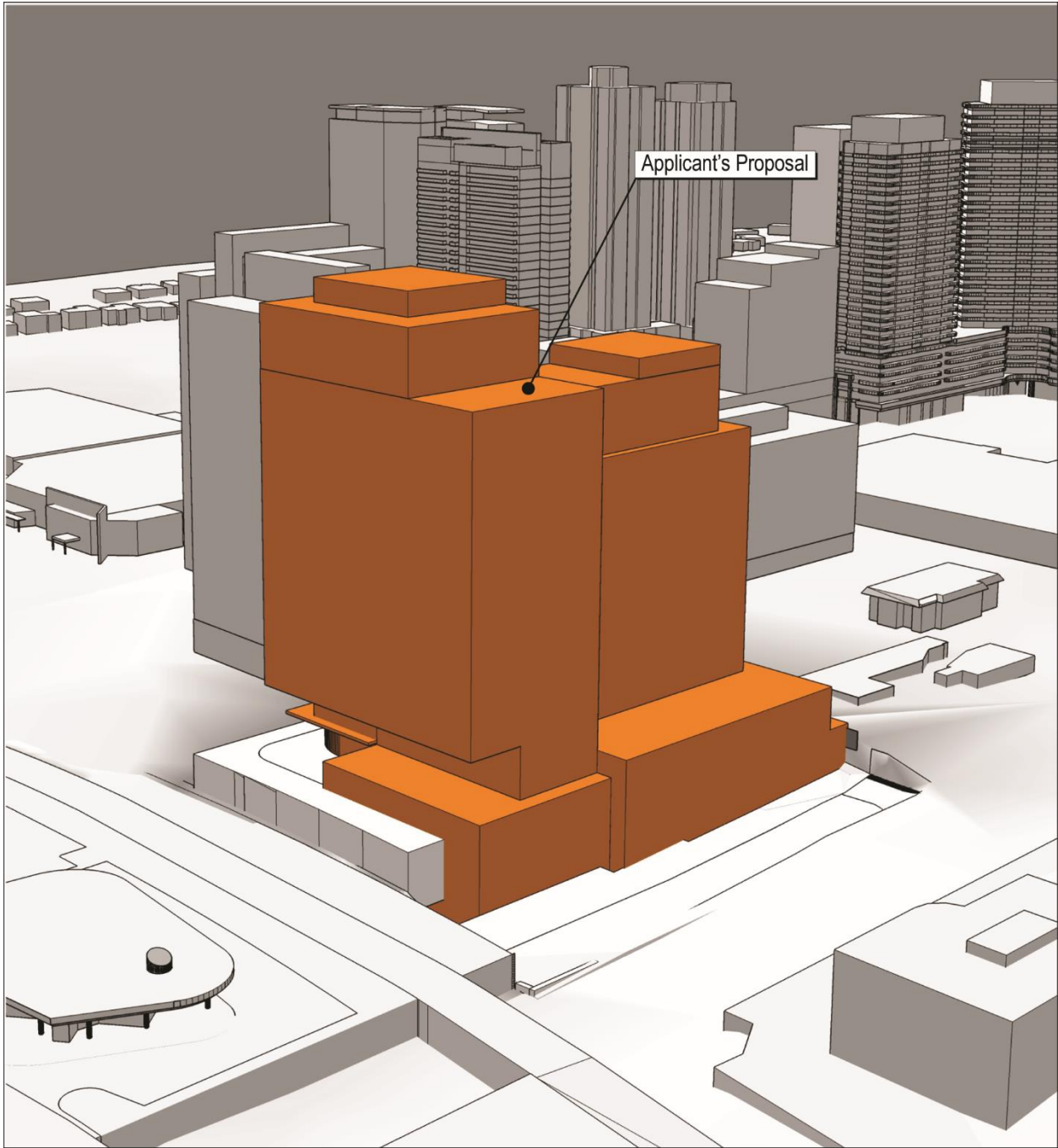
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Giulio Cescato, MCIP, RPP, Director (Acting)  
Community Planning, North York District

### **ATTACHMENTS**

City of Toronto Drawings  
Attachment 1A: 3D Model of Proposal in Context (Looking Southwest)  
Attachment 1B: 3D Model of Proposal in Context (Looking Northeast)  
Attachment 2: Location Map  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map

**Attachment 1A: 3D Model of Proposal in Context (Looking Southwest)**

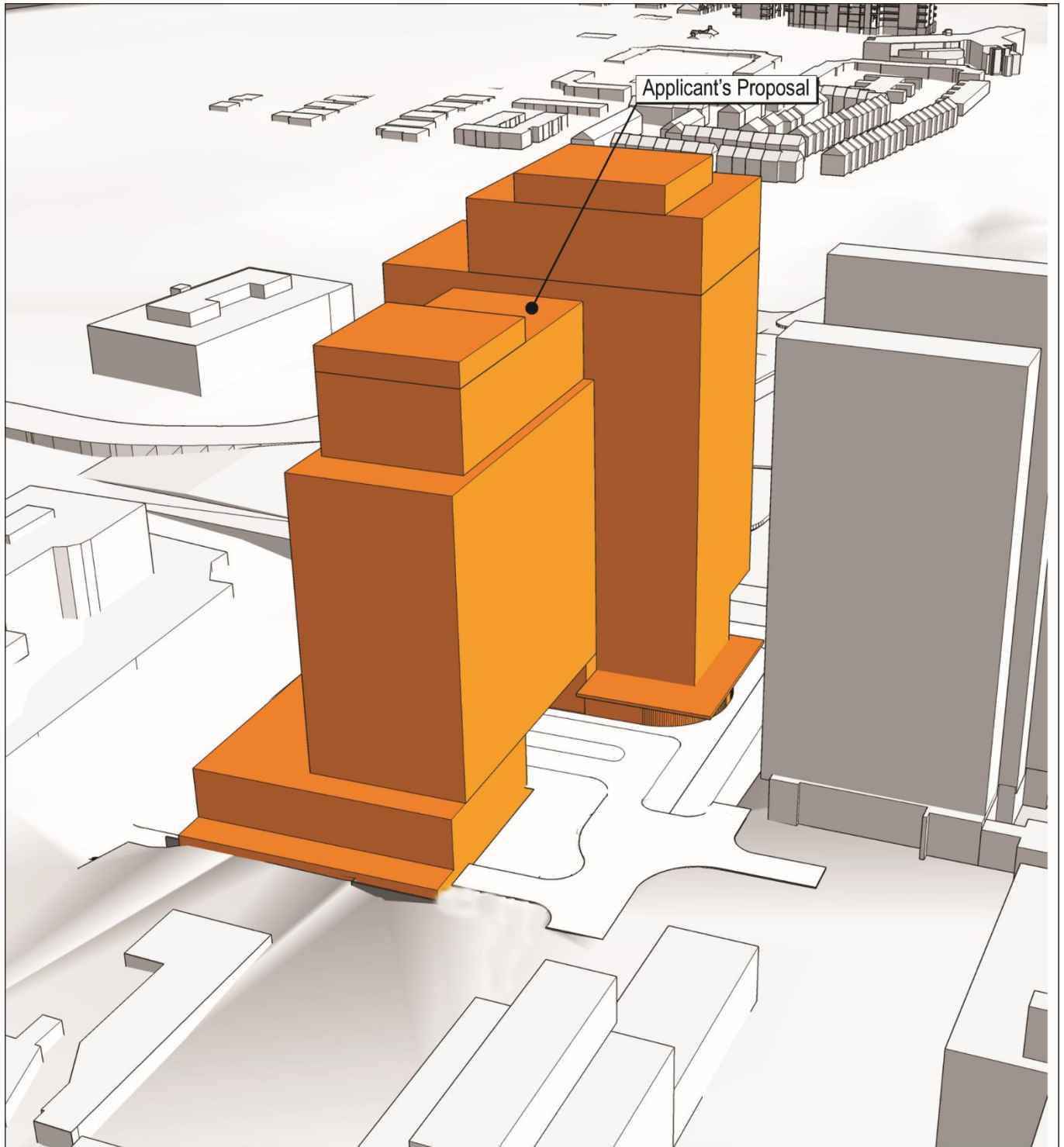


**View of Applicant's Proposal Looking Southwest**



M0/DA/2019

**Attachment 1B: 3D Model of Proposal in Context (Looking Northeast)**

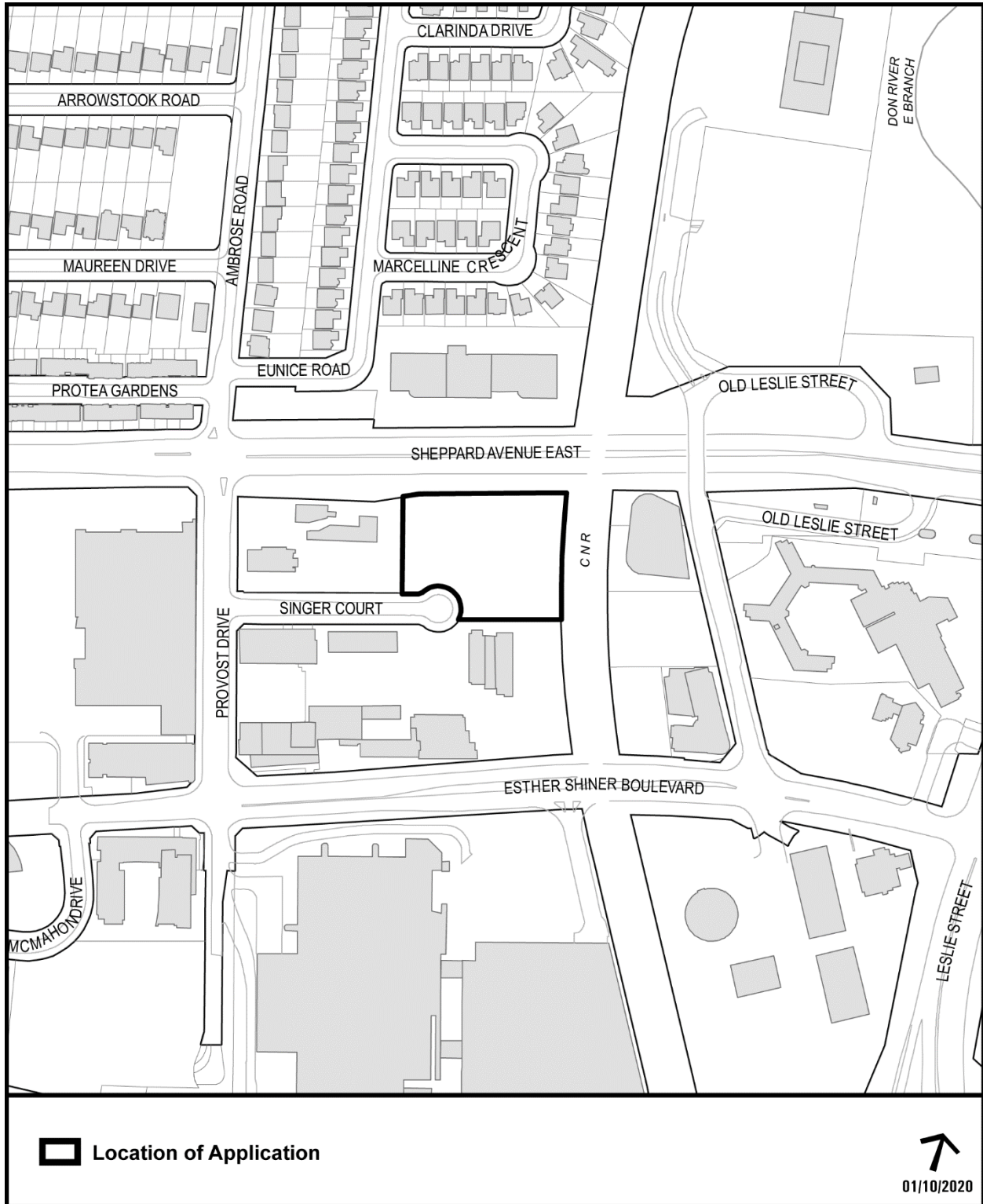


**View of Applicant's Proposal Looking Northeast**

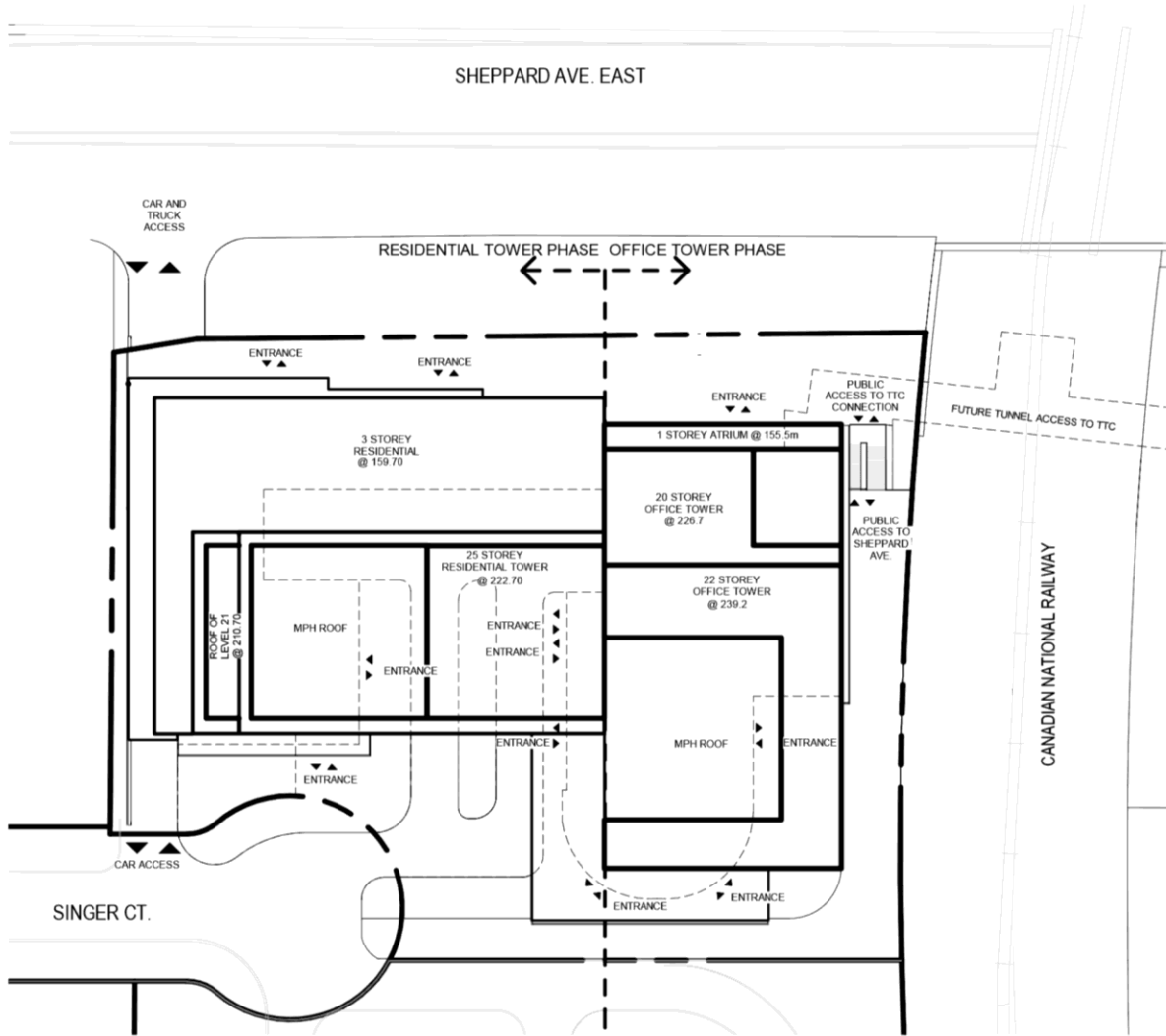


MO/DA/2019

## Attachment 2: Location Map



# Attachment 3: Site Plan



Site Plan



# Attachment 4: Official Plan Map



1181 Sheppard Avenue East

## Official Plan Land Use Map #19

File # 19 264391 NNY 19 0Z

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|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods          |  Natural Areas            |
|  Mixed Use Areas         |  Parks                    |

↑  
Not to Scale  
01/10/2020