

**724 Sheppard Ave West
Rezoning Application – Final Report**

Date:	July 27, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 10 – York Centre
Reference Number:	09 199803 NNY 10 OZ

SUMMARY

This application was submitted on December 24, 2009 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend the former City of North York Zoning By-law to permit the construction of a four storey mixed use building containing 18 residential apartments and 4 live-work commercial units at 724 Sheppard Avenue West.

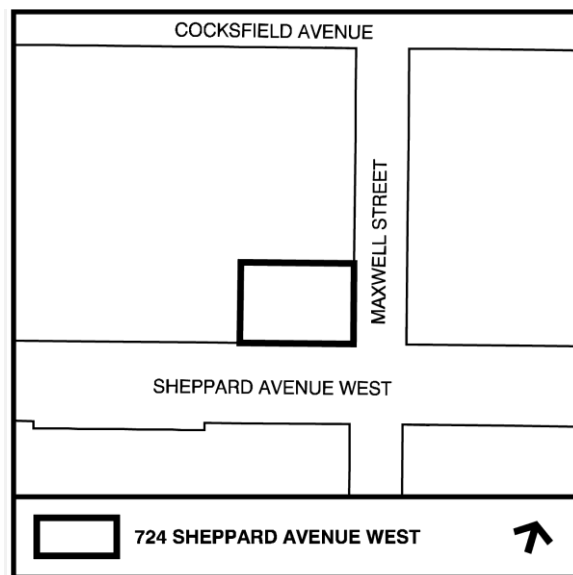
The proposal would intensify residential and commercial uses along an identified intensification corridor within the height and density provisions of the Sheppard West/Dublin Secondary Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 7625 for the lands at 724 Sheppard Avenue West



substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report was adopted by North York Community Council at its March 9, 2010 meeting authorizing staff to conduct a community consultation meeting with notification given to an expanded area. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-27359.pdf>

ISSUE BACKGROUND

Proposal

The applicant is proposing a four storey (11.5m) mixed use development containing 18 residential units above four commercial or live-work units at grade at the corner of Maxwell Street and Sheppard Avenue West. The proposed total gross floor area of 2,423m² would result in a density of 1.9 times the area of the lot.

The ground floor would consist of four single storey units that are designed to be accessed directly from Sheppard Avenue West to facilitate their use as commercial or live/work units. The residential apartment units above would be accessed from internal corridors and vertical circulation would be provided within the three storey units. Four groups of four units would be accessed from individual corridors running from Sheppard Avenue West to the surface parking area to the rear of the building, and the pair of townhouse units on the east end of the block would be accessed from Maxwell Street.

Vehicular access would be taken from Maxwell Street accessing a total of 23 surface parking spaces via a private driveway. A total of 14 bicycle parking spaces are proposed and would be integrated into the layout of the surface parking area, including three visitor bicycle parking spaces that would be provided at the eastern end. The surface parking area would be screened from Maxwell Street by a low masonry wall.

Outdoor amenity space for the north-facing residential units is proposed on large terraces on the second floor which cantilever over the proposed surface parking and a smaller terrace on the fourth floor. A raised planter is proposed for the northern edge of the second floor terrace that would be of sufficient soil depth to support the planting of trees and hedges for screening purposes. Units that face south are proposed to have outdoor amenity space provided through a rooftop garden overlooking Sheppard Avenue West.

The site statistics are presented on the Application Data Sheet (Attachment 6).

Site and Surrounding Area

The site is located on the northwest corner of Sheppard Avenue West and Maxwell Street. It has a frontage of 43m on Sheppard Avenue West, a depth of 30.5m and an area of approximately 1,308m². The site is currently occupied by a two-storey single detached dwelling fronting Maxwell Street and a single storey accessory garage along the north property line. The western part of the site is bisected by a significant drainage swale and vegetation.

Land uses surrounding the subject site are as follows:

North: single detached dwellings fronting Maxwell Street.

East: across Maxwell Street, a single storey place of worship and a three storey retirement residence fronting Sheppard Avenue West.

South: across Sheppard Avenue West, a large property at the corner of Sheppard Avenue West and Harlock Boulevard containing a vacant single detached dwelling.

West: single detached dwellings fronting Sheppard Avenue West and a place of worship at 756 Sheppard Avenue West.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Places to Grow Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 2 of the Official Plan identifies this portion of Sheppard Avenue West as *Avenues*. *Avenues* are corridors along major streets intended for incremental reurbanization to create new residential, commercial and retail opportunities while improving the overall pedestrian environment, the appearance of the street and accessibility to transit for community residents. Map 4 of the Plan identifies Sheppard Avenue West as a possible higher-order transit corridor expansion opportunity and Map 5 identifies Sheppard Avenue West as a Transit Priority Segment demonstrating the intention of maintaining and improving transit service along this corridor over the short and long-term.

The Official Plan designates the site *Mixed Use Areas* which provides for a wide range of land uses to create animated districts along transit routes that provide opportunities to rely less on private automobile trips. New buildings in *Mixed Use Areas* are to be located and massed to provide a transition between different development intensity and scales, particularly towards lower scale *Neighbourhoods*. Development in these districts is to frame streets and provide an attractive, comfortable and safe pedestrian environment to take advantage of nearby transit services.

The site also falls within the Sheppard West/Dublin Secondary Plan. The objectives of this Secondary Plan are very similar to those of the *Avenues* in structuring growth along this transit corridor. The Secondary Plan designates the property *Mixed Use Area 'B'*. The preferred form of development in this designation contains ground floor commercial units with upper floor residential uses. This designation provides for greater densities on development parcels that provide a mix of commercial and residential uses and have a frontage on Sheppard Avenue West greater than thirty meters. Given the frontage of the development site and the mix of uses being proposed, the Secondary Plan provides for a maximum density of 2.0 times the area of the lot.

The maximum height permitted by the Secondary Plan is five storeys with the height of any building not exceeding the horizontal distance separating that building from any lands designated *Neighbourhoods*. The minimum rear yard setback provided for is 9.5m, and the Secondary Plan directs that a 1.5m landscaped strip is to be provided along property lines that abut *Neighbourhoods*.

Zoning

The site is zoned One-Family Detached Dwelling Fourth Density Zone (R4) as indicated in Attachment 5. The R4 zoning permits single detached dwellings and accessory buildings as well as various recreational and institutional uses.

Site Plan Control

Site Plan Control approval is required and an application in this regard was submitted by the applicant and reviewed concurrently with this rezoning application.

Reasons for Application

An application to amend the Zoning By-law is required to permit the proposed mixed use development at the proposed height and density, as well as to establish appropriate performance standards to facilitate the proposal.

Community Consultation

A Community Consultation meeting was held on April 29, 2010 and attended by a representative of the local Councillor, the applicant, City staff and 14 members of the community.

The main issue raised at the meeting was overlook conditions created by the second floor terrace and windows along the west side of the building. Concerns were also raised about traffic impacts and parking supply. Those in attendance felt that vehicular access to the development site from Maxwell Street would create additional traffic impact on the local street and overflow parking would occur on neighbouring streets.

Questions were asked about solid waste management for the residential units and the materials of the building. Inquiries have also been received regarding how the overland flow of water through the existing drainage swale across the property would be replaced in the development.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It accommodates an appropriate range and mix of land uses for the infrastructure and public services available and planned. It is also located within a designated growth area and would be developed with appropriate standards to facilitate intensification in a compact form.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It focuses intensification within an identified intensification corridor providing a mix of land uses and housing types. The proposal is transit supportive and achieves an appropriate transition of built form to surrounding areas.

Land Use

The proposed mixed use building is provided for by the *Mixed Use Area 'B'* designation of the Sheppard West/Dublin Secondary Plan. The proposed intensification of land along a designated *Avenue* with mid-rise residential development and grade related commercial uses is provided for within the growth management policies of the Official Plan.

Density, Height and Massing

The proposal meets the height and density provisions of the Sheppard West/Dublin Secondary Plan. The Secondary Plan permits a maximum of five storeys and provides for a density of 2.0 times the area of the lot for properties that provide a mix of commercial and residential uses and have a frontage greater than 30m on Sheppard Avenue West. The proposed mixed use building is four storeys in height and has a density of 1.9 times the area of the lot.

The proposal conforms to the built form policies of the Secondary Plan. The building is set back 9.5m from the lands to the north designated *Neighbourhoods* and no portion of the building, including terraces, extends beyond a 45 degree angular plane projected from the north property line.

The proposal was revised in response to neighbourhood concerns to increase the setback of the majority of the building from the west property line to 2.6m. The only portion of the building closer to the west property line is an enclosed staircase. This encroachment would not have windows or openings that would create an unacceptable overlook condition.

The terraces on the north side of the building were revised to provide a raised landscape planter parallel to the north property line. This planter would provide landscaping intended to buffer the properties to the north designated *Neighbourhoods* from the terraces and north facing windows on the development site. Given the modest size of the proposal, this buffer is seen as a more appropriate response to the provisions of the Secondary Plan than a landscaped strip at grade along the northern edge of the surface parking area. The planter would provide suitable soil depth for planting trees and shrubs as a buffer that would exceed the height of vegetation planted at grade. A suitable opaque fence would be provided at grade along the north property line as required by the Secondary Plan. The material and treatment of the fence will be secured through Site Plan Control approval.

Sun and Shadow

The development does not meet the 6 storey (20m) height threshold required for the submission of a sun/shadow analysis. By conforming to the setback, massing and height requirements of the Secondary Plan, shadow impact will be adequately limited on adjacent lands designated *Neighbourhoods*.

Traffic Impact, Access and Parking

A Traffic Impact Study was submitted and reviewed by Transportation Services staff that indicated the subject site is expected to generate eight AM peak hour trips and 19 PM peak hour trips. Transportation Services staff are satisfied that these additional trips would not negatively impact the area road network. The proposed vehicular access to the site from Maxwell Street is also satisfactory to staff.

A total of 23 parking spaces would be provided on site with two residential visitor parking spaces to be shared with the parking supply for the non-residential uses. Transportation Services has accepted this parking supply, provided that a maximum of three shared commercial/visitor parking spaces are provided. The draft Zoning By-law Amendment requires that three shared commercial/visitor parking spaces be provided and this will be secured through Site Plan Control approval.

Servicing

The size of the proposal does not meet the threshold to require an on-site loading space. Residential solid waste, organics and recycling will be stored in an internal garbage room

on the ground floor in standard garbage bins. These bins will be moved to the curb along Sheppard Avenue West on collection day and collected by the City in accordance with By-law 235-2001. Commercial waste for the non-residential units would be collected privately.

A site servicing and grading plan was submitted by the applicant in support of the application and has been accepted by Technical Services staff.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The subject lands are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of local parkland provision levels illustrated by Map 8B/C of the Official Plan. The site is in a parkland priority area as per the Alternative Parkland Dedication By-law 1420-2007.

The proposed four storey building would contain residential and live/work units. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 240m² or 18% of the site area. However, a cap applies to sites that fall below 1 hectare in size. Therefore, the proposal is subject to a parkland dedication requirement equivalent to 10% of the site area or 130m².

Parks, Forestry and Recreation staff have advised the parkland dedication requirement should be satisfied through a cash-in-lieu payment as the required dedication of 130m² is too small to be of a functional size for a park. The actual amount of cash in lieu to be paid will be determined by the Facilities and Real Estate Division prior to building permit issuance. This parkland payment is required under Section 42 of the *Planning Act* and is required as a condition of the building permit application process.

Streetscape

The development supports the objectives of the Official Plan to achieve an aesthetically pleasing streetscape with ground floor uses which are directly accessible from the public sidewalk. Five trees will be planted along the Sheppard Avenue West frontage within the municipal right of way. Along Maxwell Street, parking and servicing areas are screened by a combination of a low masonry wall and landscape screening. The provision of these streetscape elements will be secured through Site Plan Control approval.

Toronto Green Standard

The application was submitted prior to the Toronto Green Standard coming into force and effect on January 31, 2010. The applicant is not required to meet Tier 1 of the TGS, but staff have encouraged the applicant to have regard to review sustainable development opportunities by utilizing the Toronto Green Standard.

Development Charges

It is estimated the development charges for this project will be \$157,600. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Christian Ventresca, Planner
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Fax No. (416) 395-7155
E-mail: cventre@toronto.ca

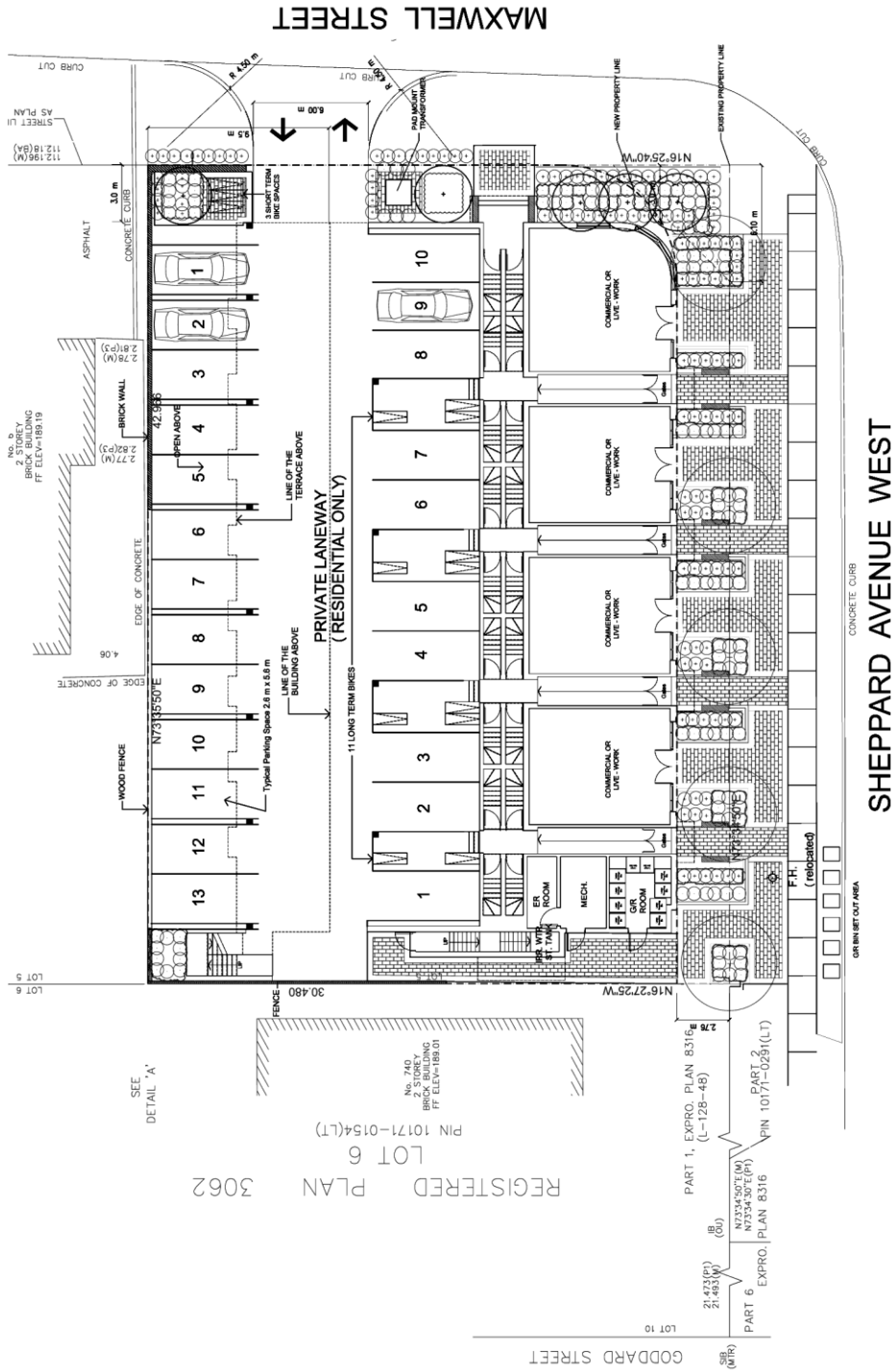
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

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

Attachment 1: Site Plan



724 Sheppard Avenue West

SHEPPARD AVENUE WEST

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 07/22/2010

File # 09_199803

Attachment 2: North and South Elevations



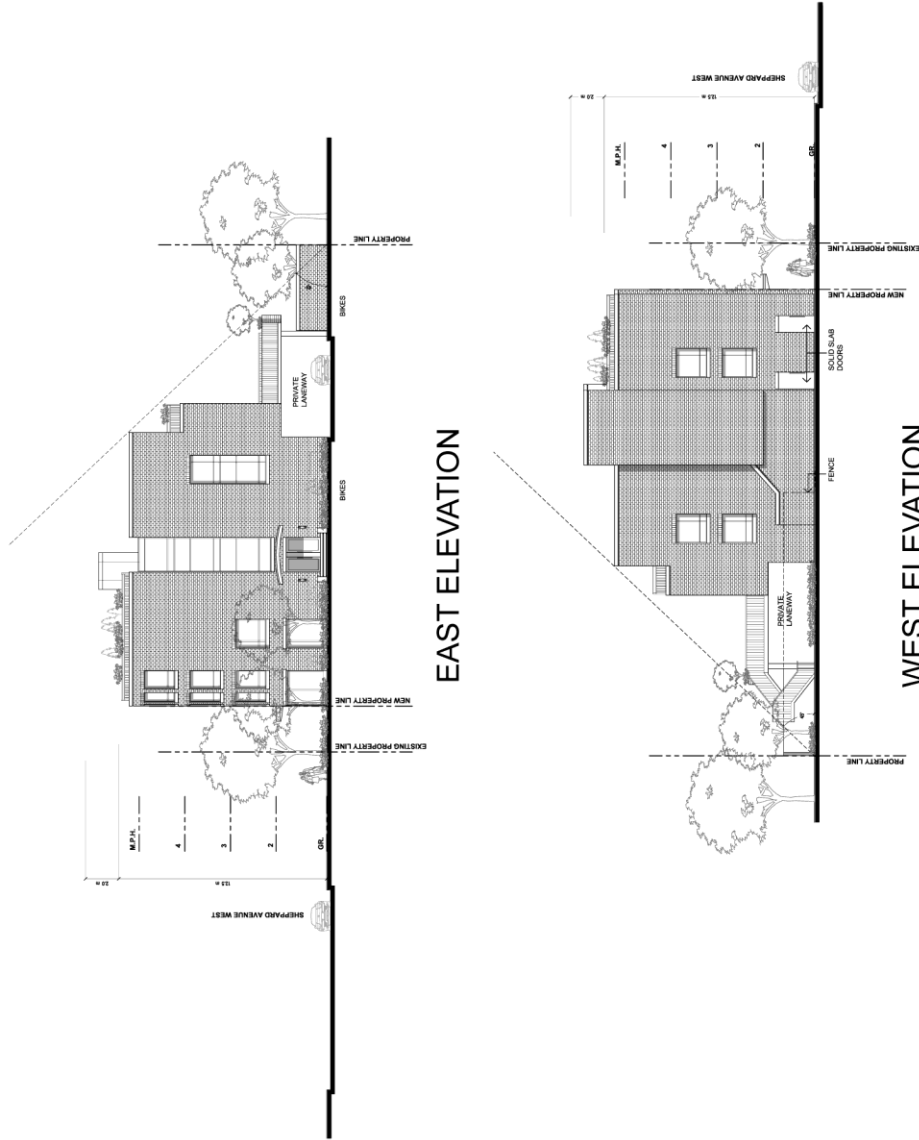
Elevations
724 Sheppard Avenue West

Applicant's Submitted Drawing

Not to Scale
07/22/2010

File # 09_199803

Attachment 3: East and West Elevations



724 Sheppard Avenue West

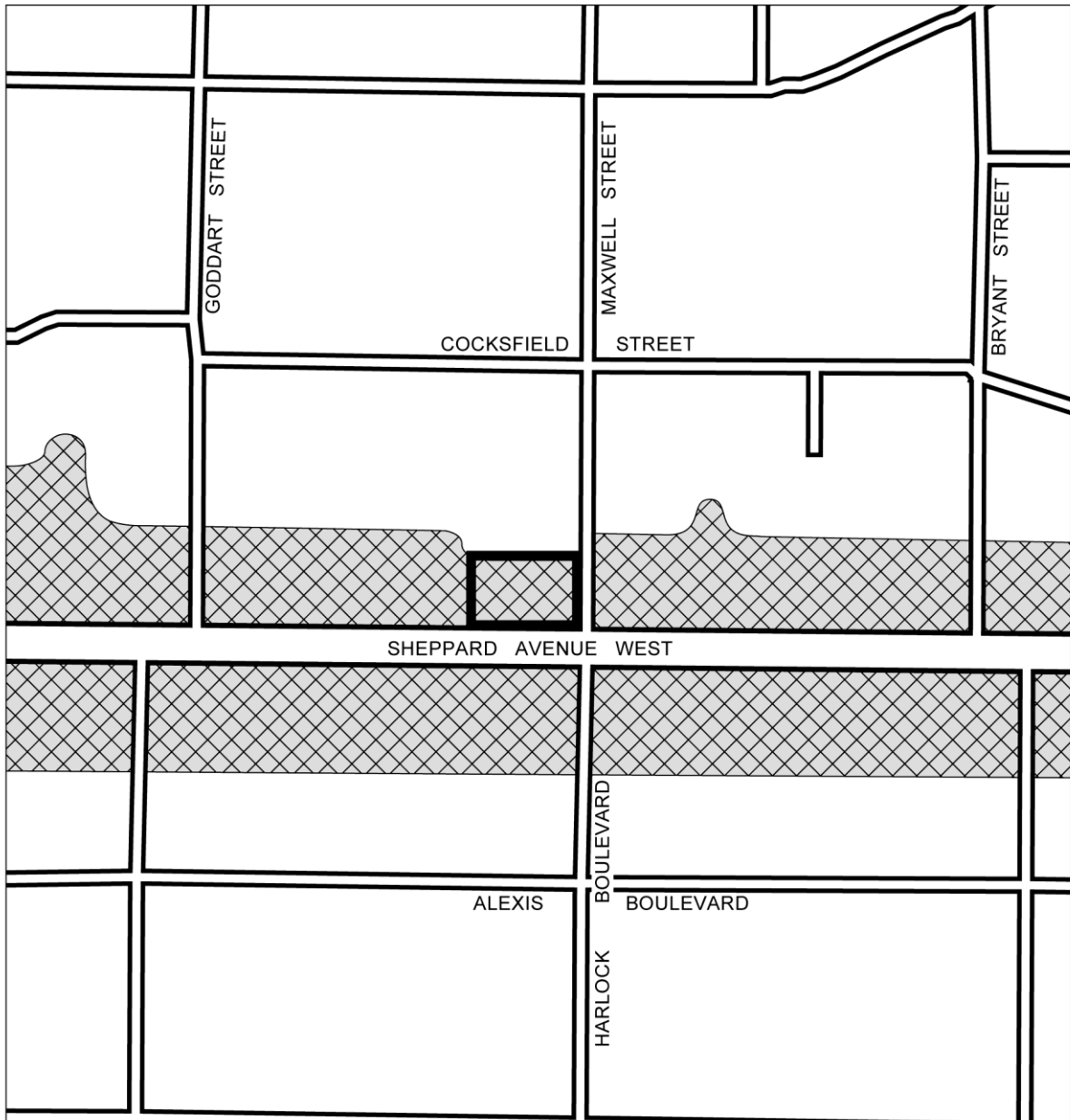
Elevations

Applicant's Submitted Drawing

Not to Scale
07/22/2010

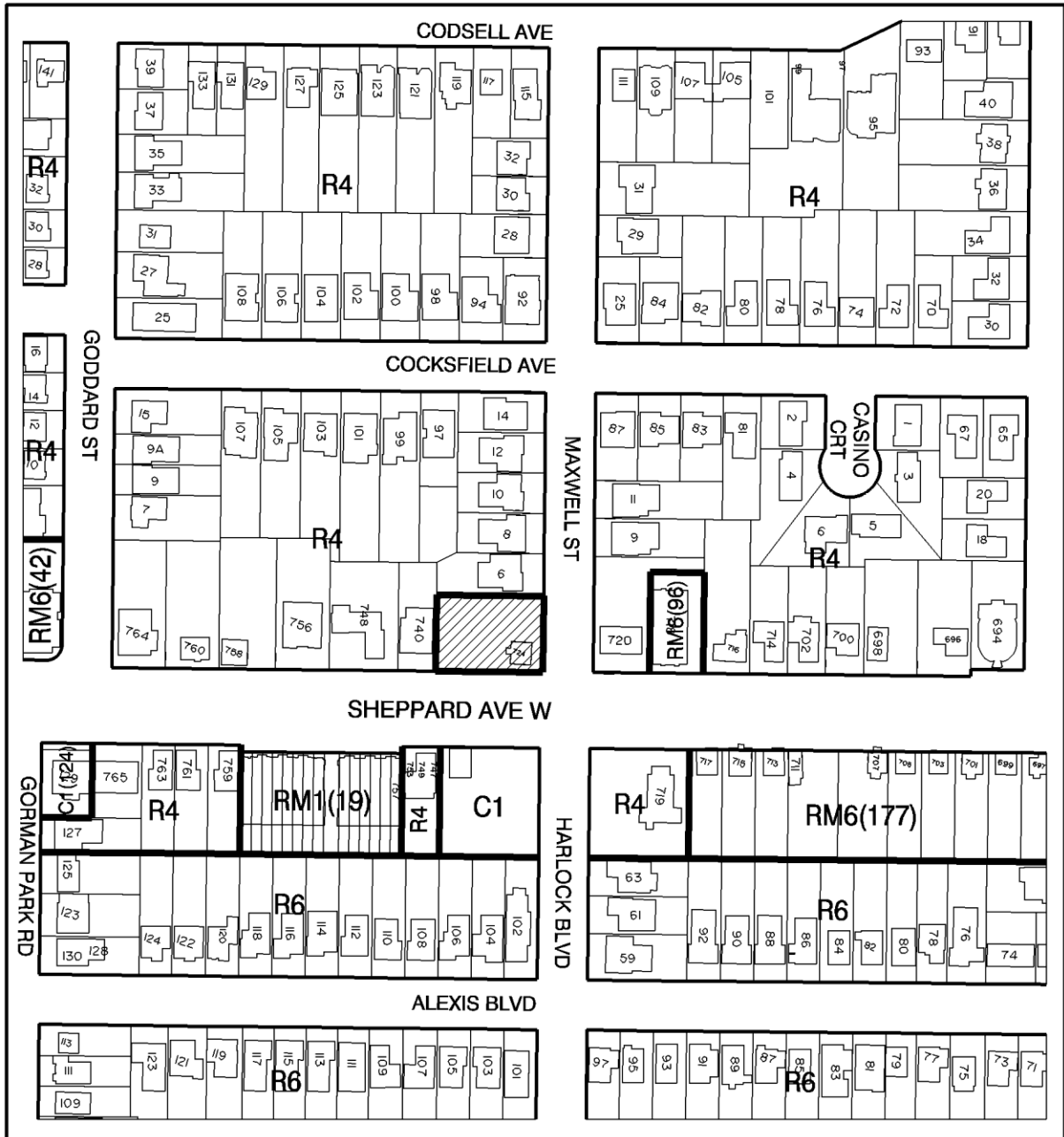
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Attachment 4: Official Plan



-  Site Location
-  Neighbourhoods
-  Mixed Use Areas

Attachment 5: Zoning



724 Sheppard Avenue West

File # 09_199803

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple Family Dwellings First Density Zone
- RM6 Multiple Family Dwellings Sixth Density Zone

C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 1/20/2010

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	09 199803 NNY 10 OZ
Details	Rezoning, Standard	Application Date:	December 24, 2009

Municipal Address: 724 SHEPPARD AVE W
 Location Description: PLAN 3062 LOT 5 **GRID N1003

Project Description: This application seeks to amend the former City of North York Zoning By-law to permit the development of a 4 storey stacked townhouse development at a density of 1.6 times the area of the lot. The applicant proposes 24 parking spaces to be accessed from Maxwell Avenue and 18 townhouse units above 5 live/work units at grade.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. TONY VOLPENTESTA			724 SHEPPARD AVENUE WEST

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	R4	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1309	Height:	Storeys:	4
Frontage (m):	42.9		Metres:	11.5
Depth (m):	30.48			
Total Ground Floor Area (sq. m):	290			Total
Total Residential GFA (sq. m):	2205		Parking Spaces:	23
Total Non-Residential GFA (sq. m):	218		Loading Docks	0
Total GFA (sq. m):	2423			
Lot Coverage Ratio (%):	22.15			
Floor Space Index:	1.85			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Freehold, Other		
Rooms:	0	Residential GFA (sq. m):	2205
Bachelor:	0	Retail GFA (sq. m):	218
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	15	Industrial GFA (sq. m):	0
3 + Bedroom:	3	Institutional/Other GFA (sq. m):	0
Total Units:	18		

CONTACT: PLANNER NAME: Christian Ventresca, Planner
TELEPHONE: (416) 395-7129

Attachment 7: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as
724 Sheppard Avenue West**

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

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

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

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule “1” attached hereto.
2. Section 64.20 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.20(18) RM5(18)

DEFINITIONS

- a. For the purposes of this Exception, an “Apartment House Dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access from an internal corridor system and/or directly from the outside or any combination thereof.
- b. For the purposes of this Exception, “Established Grade” shall be defined as 187m Canadian Geodetic Datum.
- c. For the purposes of this Exception, a “Live-Work Unit” shall mean a dwelling unit on the ground floor containing commercial uses permitted in this Exception that:
 - i. Are conducted by a member or members of the household who reside in the dwelling unit as their principal residence; and

- ii. Has direct pedestrian access from Sheppard Avenue West.

PERMITTED USES

- d. The only permitted uses shall be:

RESIDENTIAL:

Apartment House Dwellings
Live-Work Units

NON-RESIDENTIAL:

Artist Studio
Business and Professional Office
Retail Store
Service Shop
Personal Service Shop

All non-residential uses shall be restricted to the ground floor.

EXCEPTION REGULATIONS

Dwelling Units

- e. A maximum of 22 residential dwelling units are permitted as follows:
 - i. A maximum of 18 Apartment House Dwelling units is permitted.
 - ii. A maximum of 4 Live-Work Units is permitted.

Lot Coverage

- f. The provisions of Section 20.2.2 (Lot Coverage) shall not apply.

Yard Setbacks

- g. The minimum yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule “RM5(18)”.
- h. Notwithstanding (g) above, open balconies located on the second floor shall be permitted to project 4.0m into the rear yard setback. Stairs, stair enclosures, window sills, lighting features, ornamental elements and landscape features are shall also be permitted to project beyond the setbacks shown on Schedule “RM5(18)”.

Gross Floor Area

- i. A maximum gross floor area of 2,450m² shall be permitted provided that of this gross floor area, a minimum of 200m² shall be for non-residential uses or Live/Work Units.

Building Height

- j. The building height shall not exceed the maximum height in meters above Established Grade as shown on Schedule “RM5(18)”.
- k. One storey access stairs, stair enclosures, enclosures for mechanical rooms, parapets, fences, gates, railings and doors, shall be permitted to exceed the height limit shown on Schedule “RM5(18)”.
- l. Notwithstanding (j) and (k) above, the height of any portion of a building or structure above established grade shall not exceed the horizontal distance between the building and the north lot line of the property.

Landscaping

- m. The provisions of Section 15.8 (Landscaping) shall not apply.
- n. A minimum 1.5m wide raised landscape planter shall be provided on the north edge of the balcony on the second floor.

Parking

- o. A minimum of 23 parking spaces shall be provided on site including three spaces reserved for residential visitor parking.
- p. A maximum of 50% of the residential visitor parking may be used for satisfying non-residential parking requirements to a maximum of 2 spaces.
- q. The provisions of Section 6(A)(8)(c) and (d) (Parking Regulations for RM zones other than RM2 Zones) shall not apply.

Loading

- r. The provisions of Section 6(A)16 shall not apply.

Future Severance

- s. Notwithstanding any severance, partition or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if no severance, partition or division had

occurred.

3. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

