



STAFF REPORT ACTION REQUIRED

110 and 112 Sheppard Avenue West – Official Plan and Zoning Amendment Applications – Supplementary Report

Date: June 11, 2019

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 18 - Willowdale

SUMMARY

At its meeting of May 22, 2019 North York Community Council recommended adoption of the 110 and 112 Sheppard Avenue West- Official Plan and Zoning Amendment Applications- Final Report from the Director, Community Planning, North York District, dated May 3, 2019 and directed City Planning staff to "prepare a supplementary report to City Council to address any technical issues or changes proposed by the applicant." This Supplementary Report responds to that direction by recommending revisions to the draft Zoning By-laws contained in the previously submitted Final Report from the Director, Community Planning, North York District, dated May 3, 2019 to reflect refinements to the proposal by the applicant.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council delete North York Community Council's recommendation 2 and replace it with the following:

City Council amend Zoning By-law 7625 for the lands at 110 and 112 Sheppard Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the Supplementary Report from the Chief Planner and Executive Director, City Planning dated June 11, 2019.

2. City Council delete North York Community Council's recommendation 3 and replace it with the following:

City Council amend Zoning By-law 569-2013 by adding the lands at 110 and 112 Sheppard Avenue West substantially in accordance with the draft

Zoning By-law Amendment attached as Attachment No. 2 to the Supplementary Report from the Chief Planner and Executive Director, City Planning dated June 11, 2019.

3. City Council determine that the revisions reflected in the proposed Zoning By-law Amendments appended to this Supplementary Report as Attachment Nos. 1 and 2 are minor in nature and pursuant to Section 34 of the Planning Act, no further public notice is required in respect of the proposed Zoning By-law Amendments.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of May 22, 2019 North York Community Council recommended adoption of the 110 and 112 Sheppard Avenue West- Official Plan and Zoning Amendment Applications- Final Report from the Director, Community Planning, North York District, dated May 3, 2019. North York Community Council also received the 110 and 112 Sheppard Avenue West- Official Plan and Zoning By-law Amendment Applications- Supplementary Report, dated May 21, 2019 for information regarding A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

The Final Report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-132674.pdf>

The Supplementary Report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-133363.pdf>

At its meeting of May 22, 2019, North York Community Council also directed City Planning staff to "prepare a supplementary report to City Council to address any technical issues or changes proposed by the applicant." Community Council's direction can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.3>

COMMENTS

In response to the request from North York Community Council to prepare a supplementary report that addresses changes proposed by the applicant to the draft Zoning By-laws as a result of refinements to the proposal, staff are recommending the following revisions be made to the draft Zoning By-law 7625

and 569-2013 contained in Attachment Nos. 5 and 6 to the staff report dated May 3, 2019:

1. The draft Zoning By-laws limited the height of the rooftop stair enclosure and mechanical penthouse to 3.3 metres. The revised draft Zoning By-laws attached as Attachment Nos. 1 and 2 to this report limit only the height of the rooftop stair enclosure to a maximum of 2.75 metres. The mechanical penthouse is located on the roof towards the Sheppard Avenue West frontage which limits its impact on the adjacent *Neighbourhoods*. As a result, the mechanical penthouse falls entirely beneath the required 45-degree angular plane measured from a height of 10.5 metres from the rear yard setback. The recommended revision to the draft Zoning By-laws further limits the height of the rooftop stair enclosure and requires that the mechanical penthouse fall entirely beneath the angular plane which is consistent with the policies of the Council-adopted Sheppard Lansing Secondary Plan and the City's Official Plan.
2. As it relates to the outdoor amenity space, the draft Zoning By-laws required a minimum of 400 square metres of outdoor amenity space. Zoning By-law 569-2013 requires a minimum of 2.0 square metres of outdoor amenity space for each dwelling unit. The applicant's proposed outdoor amenity space of 400 square metres significantly exceeded the standard outdoor amenity space requirement of 60 square metres for a 30 unit proposal.

In the Final Report dated May 3, 2019 staff recommended City Council approve a Floor Space Index of 2.5 times the lot area versus the applicant's proposal of 2.73 times the lot area in order for the application to be consistent with the density permissions of the Council-adopted Sheppard Lansing Secondary Plan.

As a result of staff's modifications to the proposed density, the applicant has indicated they may not be able to provide 400 square metres of outdoor amenity space originally proposed if they no longer construct a 7-storey mixed-use building as originally proposed. The revised draft Zoning By-laws now only require the provision of 400 square metres of outdoor amenity space if the applicant proceeds with a 7-storey building. Should the applicant proceed with a building that has less than 7-storeys, then 2.0 square metres of outdoor amenity space would be required for each dwelling unit. The recommended revision to the draft Zoning By-laws would secure outdoor amenity space that is consistent with Zoning By-law 569-2013 requirements.

3. To accommodate a sales centre on site, staff are recommending the holding provisions of both draft Zoning By-laws be revised to permit a sales centre on the subject site that is only to be used for the sale of residential units that are to be located on the subject site. The draft Zoning By-laws contained in both the Final Report dated May 3, 2019 and in this report require that the zoning

be subject to a holding provision ("H") until such time as the applicant has resolved the servicing issues to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Conclusion

The recommended revisions to the draft Zoning By-laws are consistent with the Provincial Policy Statement (2014) and conforms to, and does not conflict with, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

Furthermore, the recommended revisions conform to and maintain the intent of the Toronto Official Plan and continue to present an appropriate redevelopment of the subject site.

This Supplementary Report contains two revised Draft Zoning By-law Amendments which are to replace the two Draft Zoning By-law Amendments contained in the May 3, 2019 Final Report. The revised By-laws reflect changes which are minor in nature and do not alter the intent of the draft By-laws attached to the Final Report of May 3, 2019.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Draft Zoning By-law 7625 Amendment

Attachment 2: Draft Zoning By-law 569-2013 Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW ~-20~

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
110 and 112 Sheppard Avenue West.**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 7625 of the former City of North York, as amended, pursuant to Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2018 as 110 and 112 Sheppard Avenue West;

WHEREAS Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law Amendment;

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law and to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; 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 7625 of the former City of North York are amended in accordance with Schedule "1" attached to this By-law.
2. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (258) RM6 (258) (H)

DEFINITIONS:

- (a) For the purposes of this exception, "Gross Floor Area" shall mean the total area of all of the floors in a building above or below grade measured from the exterior of the main wall of each floor level reduced by the area in the

building used for:

- (i) Parking, loading, and bicycle parking below-ground;
- (ii) Required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
- (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (iv) Indoor amenity space;
- (v) Elevator shafts;
- (vi) Garbage shafts;
- (vii) Mechanical penthouse; and
- (viii) Exit stairwells in the building.

- (b) For the purposes of this exception, "Established Grade" shall mean the Canadian Geodetic Datum elevation of 186.32 metres.

PERMITTED USES

- (c) The only permitted uses shall be:

RESIDENTIAL:

An apartment house dwelling and uses accessory thereto including private recreational amenity areas

NON-RESIDENTIAL:

Restaurants, retail stores, personal service shops, service shops, business and professional offices, and take-out restaurants.

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

EXCEPTION REGULATIONS

Dwelling Units

- (d) A maximum of 30 dwelling units shall be permitted.

Lot Area

- (e) The minimum lot area shall be 940 square metres.

Lot Frontage

- (f) The minimum lot frontage shall be 30 metres.

Lot Coverage

- (g) The maximum lot coverage shall be 75 percent.

Yard Setbacks

- (h) Front Yard Setback

The minimum front yard setback shall be 0 metres. Any portion of the building with dwelling units located in the first storey of the building shall be setback a minimum of 2.0 metres.

- (i) Side Yard Setbacks

The minimum side yard setbacks for the first six storeys shall be 0 metres. The seventh storey shall be setback a minimum of 3.0 metres from the side lot lines.

- (j) Notwithstanding (h) and (i) above, the minimum yard setbacks for parking structures and structures associated thereto below Established Grade shall be 0 metres for all property lines.

Gross Floor Area

- (k) A maximum gross floor area of 2,731 square metres shall be permitted, of which a maximum of 110 square metres shall be non-residential uses listed in (c) above.

Building Height

- (l) The provision of 20-A.2.6 shall not apply.
- (m) The building height shall not exceed 7-storeys above Established Grade.
- (n) Notwithstanding (m) above, no part of the building, with the exception of the rooftop stair enclosure, and balcony railings, shall penetrate a 45 degree angular plane projected along the entire required rear yard setback, starting at a height of 10.5 metres above the average elevation of the ground 7.5 metres from the rear lot line.
- (o) The rooftop stair enclosure shall have a maximum height of 2.75 metres.

Landscaping

- (p) A minimum 2.0 metre wide strip of land used for soft landscaping shall be provided along the north (rear) property line. The landscape strip may also

contain one exhaust shaft associated with the underground garage.

Recreation Amenity Area

- (q) A minimum of 60 square metres of indoor amenity space shall be provided.
- (r) A minimum of 400 square metres of outdoor amenity space shall be provided for a 7-storey building and a minimum of 2.0 square metres of outdoor amenity space for each unit shall be provided for a building with less than 7-storeys.

Parking

- (s) Parking for residential uses within the site shall be provided in accordance with the following minimum requirements:

Bachelor Units:	0.6 spaces per unit
Bachelor Units greater than 45 square metres:	1.0 space per unit
1 Bedroom and 1 Bedroom plus den Units:	0.7 spaces per unit
2 Bedroom and 2 Bedroom plus den Units:	0.9 spaces per unit
3+ Bedroom Units:	1.0 space per unit
Visitor Parking:	0.1 spaces per unit

- (t) Parking for residential uses within the site shall not exceed the following maximum requirements:

Bachelor Units:	0.9 spaces per unit
Bachelor Units greater than 45 square metres:	1.3 spaces per unit
1 Bedroom and 1 Bedroom plus den Units:	1.0 space per unit
2 Bedroom and 2 Bedroom plus den Units:	1.3 spaces per unit
3+ Bedroom Units:	1.5 spaces per unit

OTHER REGULATIONS

- (u) The provisions of 6A(8)(b)(c), 6A(16), 15.6, and 15.8(a) shall not apply.
- (v) Notwithstanding any conveyance, severance, partition, or division of the lot, as shown on Schedule "1", the provisions of this by-law shall apply to the whole of the lot as if no conveyance, severance, partition or division occurred.

HOLDING PROVISIONS

- (w) An "H" shall be appended to the zone symbol "RM6(258)".

(x) Prior to the removal of the "H", the lands shown on Schedule 1 shall only be used for the uses existing as of the date of passing of this By-law or a sales centre for the sale of the residential units to be located on the lands shown on Schedule 1.

(y) the "H" shall be lifted from the lands shown on Schedule 1 at such a time as:

- (i) The owner submit Functional Servicing and Stormwater Management Reports acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
- (ii) The execution and registration of a development agreement between the owner of the lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development; and
- (iii) The receipt of all necessary approvals for the infrastructure required, as described (ii) above.

4. 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:

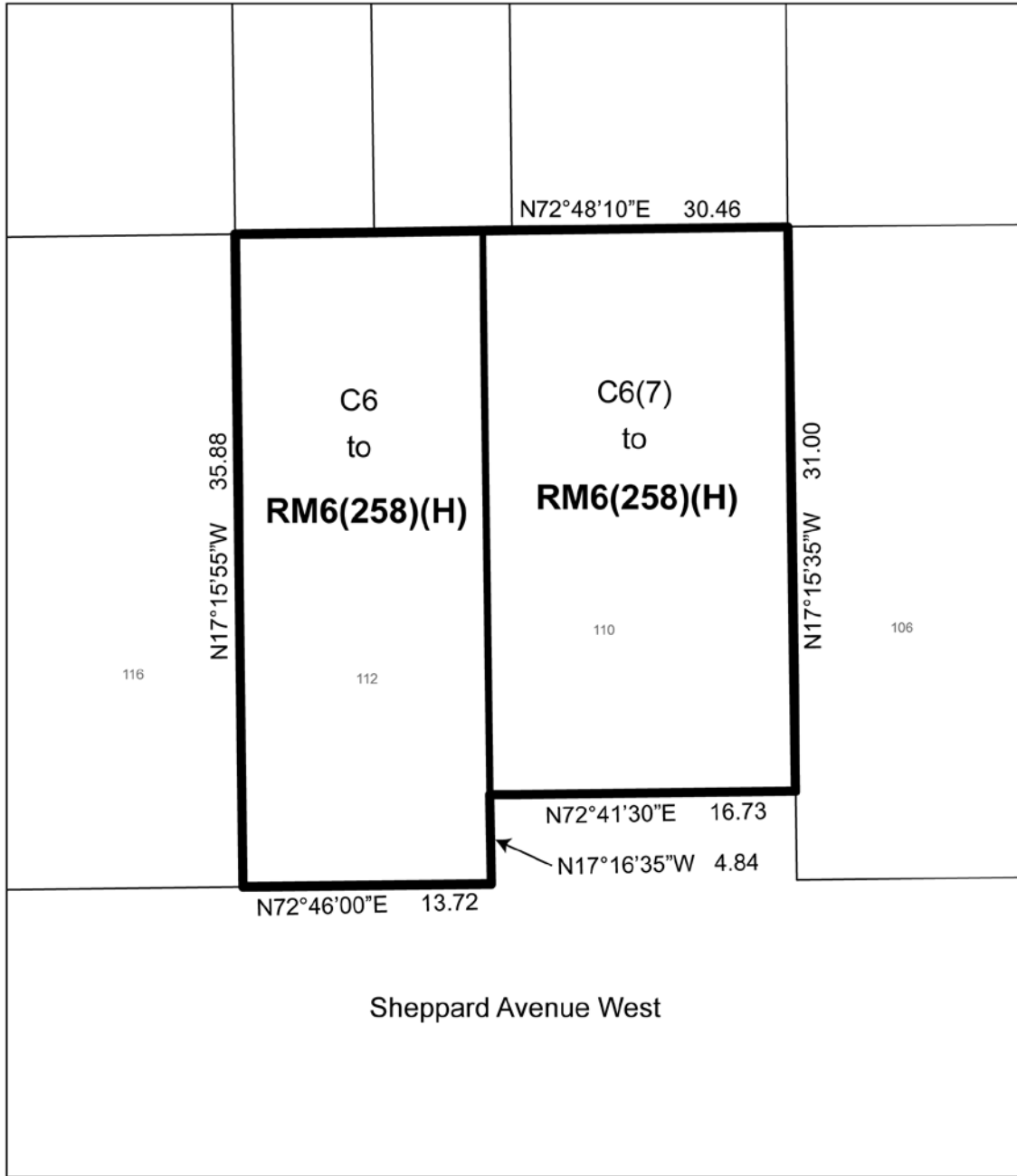
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



TORONTO
Schedule 1

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z

City of Toronto Former By-law 7625
Not to Scale
4/16/2019

Attachment 2: Draft Zoning By-law 569-2013 Amendment

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

CITY OF TORONTO

Bill No. ~

BY-LAW [XXXX- 2019]

To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 110 and 112 Sheppard Avenue West.

Whereas Council of the City of Toronto has the authority pursuant to 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*; and

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands shown on Diagram 2 attached to this By-law, to the Zoning By-law Map in Section 990.10, and applying the zone label "**(H) CR 2.5 (c0.1; r2.5) SS2 (186)**", as shown on Diagram 2; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section

995.10.1, and applying the Policy Area label "PA4", as shown on Diagram 3; and

5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands shown on Diagram 4 attached to this By-law, to the Height Overlay Map in Section 995.20.1, with no label; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying the lot coverage label "75", as shown on Diagram 5; and
7. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands shown on Diagram 6 attached to this By-law, to the Rooming House Overlay Map in Section 995.40.1, with no label; and
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (186) so that it reads:

Exception CR 186

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Despite regulation 40.5.40.10(4), the rooftop stair enclosure located on the roof of the **building** may have a maximum height of 2.75 metres.
- (B) Regulation 40.5.40.10(5) with respect to the total roof area and horizontal dimensions of all equipment, **structures**, or parts of a **building** does not apply.
- (C) In addition to the **gross floor area** reductions permitted in regulation 40.5.40.40(3), the **gross floor area** of the **building** may be further reduced by indoor **amenity space**, including that in excess of what is required by this By-law.
- (D) Despite regulation 40.10.40.1(1), **dwelling units** may be located in the first **storey** of the **building**.
- (E) Regulation 40.10.40.10(2) with respect to maximum height does not apply.

- (F) Despite regulation 40.10.40.10(5), the minimum height of the first **storey** is 4.0 metres.
- (G) Despite regulation 40.10.40.10(7), the maximum number of **storeys** is 7.
- (H) A maximum of 30 **dwelling units** is permitted.
- (I) Despite regulation 40.10.40.50(1), a minimum of 400 square metres of outdoor **amenity space** must be provided for a building with 7 **storeys** and a minimum of 2.0 square metres for each dwelling unit of outdoor **amenity space** must be provided for a building with less than 7 **storeys**.
- (J) Despite regulation 40.10.40.60(9), the rooftop stair enclosures and balcony railings may penetrate into an **angular plane**.
- (K) Despite regulation 40.10.40.70(2), the **side yard setbacks** for the first six storeys may be 0 metres. The seventh storey must be **setback** at least 3.0 metres from the **side lot lines**.
- (L) Regulation 40.10.40.70(2)(G) with respect to the front **angular plane** does not apply.
- (M) Despite regulation 40.10.40.70(4), any portion of the **building** with **dwelling units** located in the first **storey** of the **building** must be set back at least 2.0 metres from the **front lot line**.
- (N) Despite regulation 40.10.50.10(3), a minimum 2.0 metre wide strip of land used for **soft landscaping** must be provided along the **rear lot line**. The 2.0 metre wide strip of land may also contain one exhaust shaft associated with the underground garage.
- (O) Despite Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** at a minimum rate of:
 - (i) 0.6 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
 - (ii) 1.0 **parking space** for each bachelor **dwelling unit** greater than 45 square metres;
 - (iii) 0.7 **parking spaces** for each one bedroom **dwelling unit**;

- (iv) 0.9 **parking spaces** for each two bedroom **dwelling unit**; and
 - (v) 1.0 **parking space** for each three or more bedroom **dwelling unit**.
- (P) Despite Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** at a maximum rate of:
- (i) 0.9 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
 - (ii) 1.3 **parking spaces** for each bachelor **dwelling unit** greater than 45 square metres;
 - (iii) 1.0 **parking space** for each one bedroom **dwelling unit**;
 - (iv) 1.3 **parking spaces** for each two bedroom **dwelling unit**; and
 - (v) 1.5 **parking spaces** for each three or more bedroom **dwelling unit**.
- (Q) Despite Table 200.5.10.1, **parking spaces** for visitors must be provided at a minimum rate of 0.1 for each **residential dwelling unit**.
- (R) Despite Clause 230.5.10.1, a minimum of 24 **bicycle parking spaces** must be provided, of which a minimum of 21 **bicycle parking spaces** must be "long-term" and a minimum of 3 **bicycle parking spaces** must be "short-term."
- (S) The lands identified with the symbol "(H)" in the zone label are restricted in use as specified by section 9 of By-law **XXXX-2019**.

Prevailing By-laws and Prevailing Sections (None Apply)

9. Holding Provisions

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those uses and buildings existing on the site as of April 10, 2019 or for a sales centre for the sale of the residential units to be located on the lands shown on Diagram 1 attached to this By-law

until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Director, Community Planning, North York District, and the Chief Engineer and Executive Director, Engineering and Construction Services, and Council:

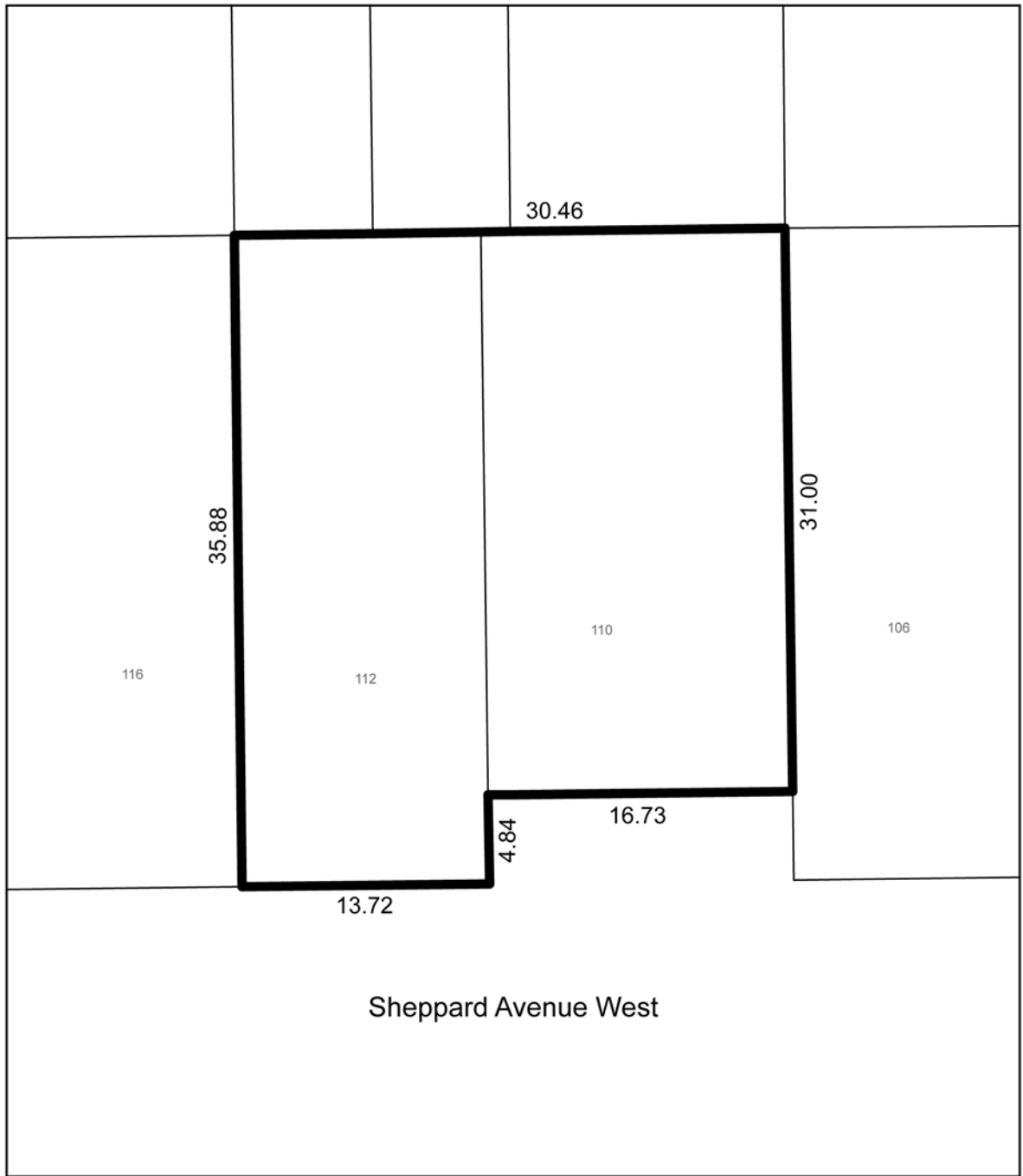
- (i) The owner submit Functional Servicing and Stormwater Management Reports acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
- (ii) The execution and registration of a development agreement between the owner of the lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development; and
- (iii) The receipt of all necessary approvals for the infrastructure required, as described (ii) above.

Prevailing By-laws and Prevailing Sections (None Apply)

Enacted and passed on month ##, 20##.

Name,
Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk

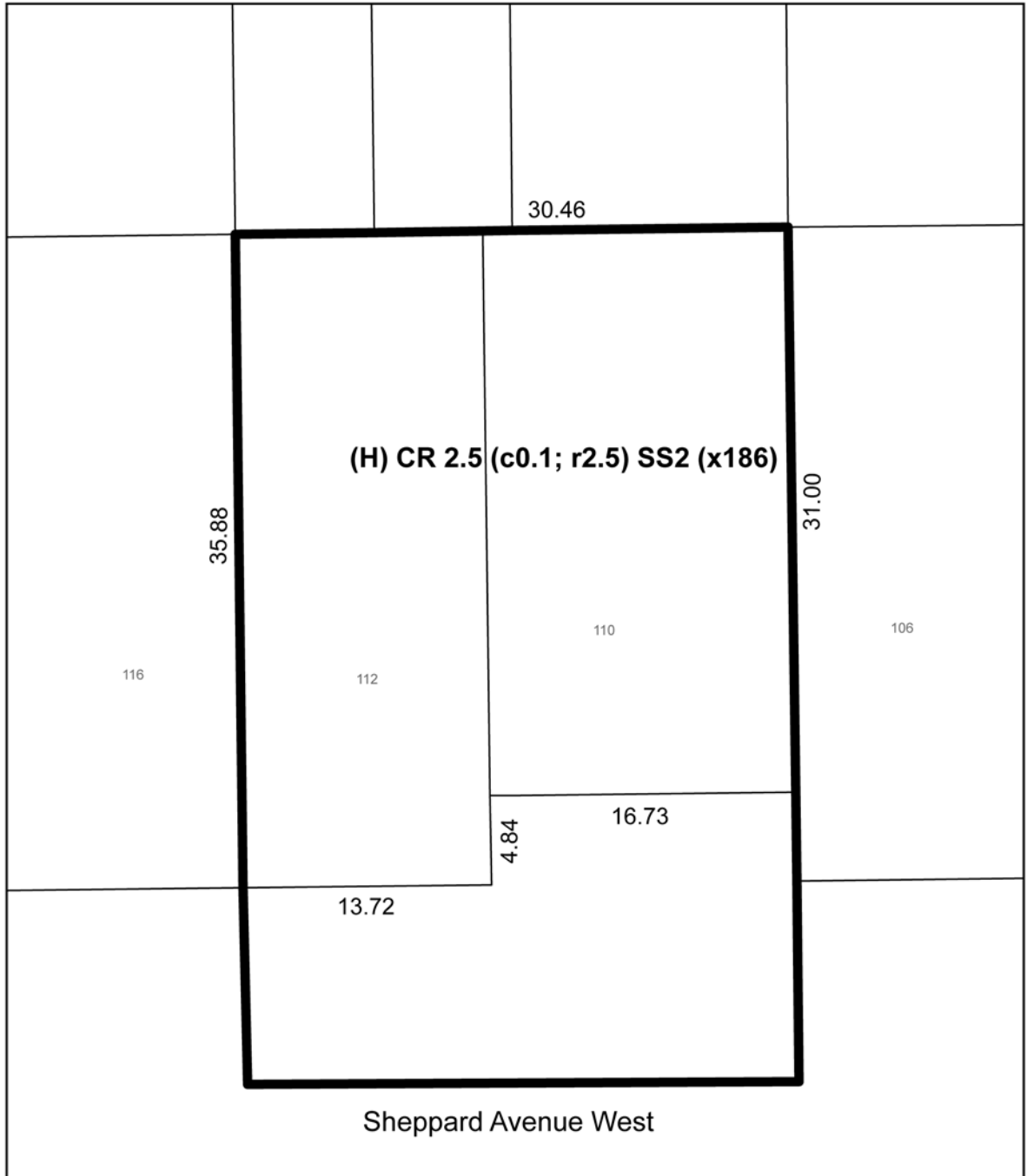


TORONTO
 Diagram 1

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z


City of Toronto By-law 569-2013
 Not to Scale
 4/9/2019

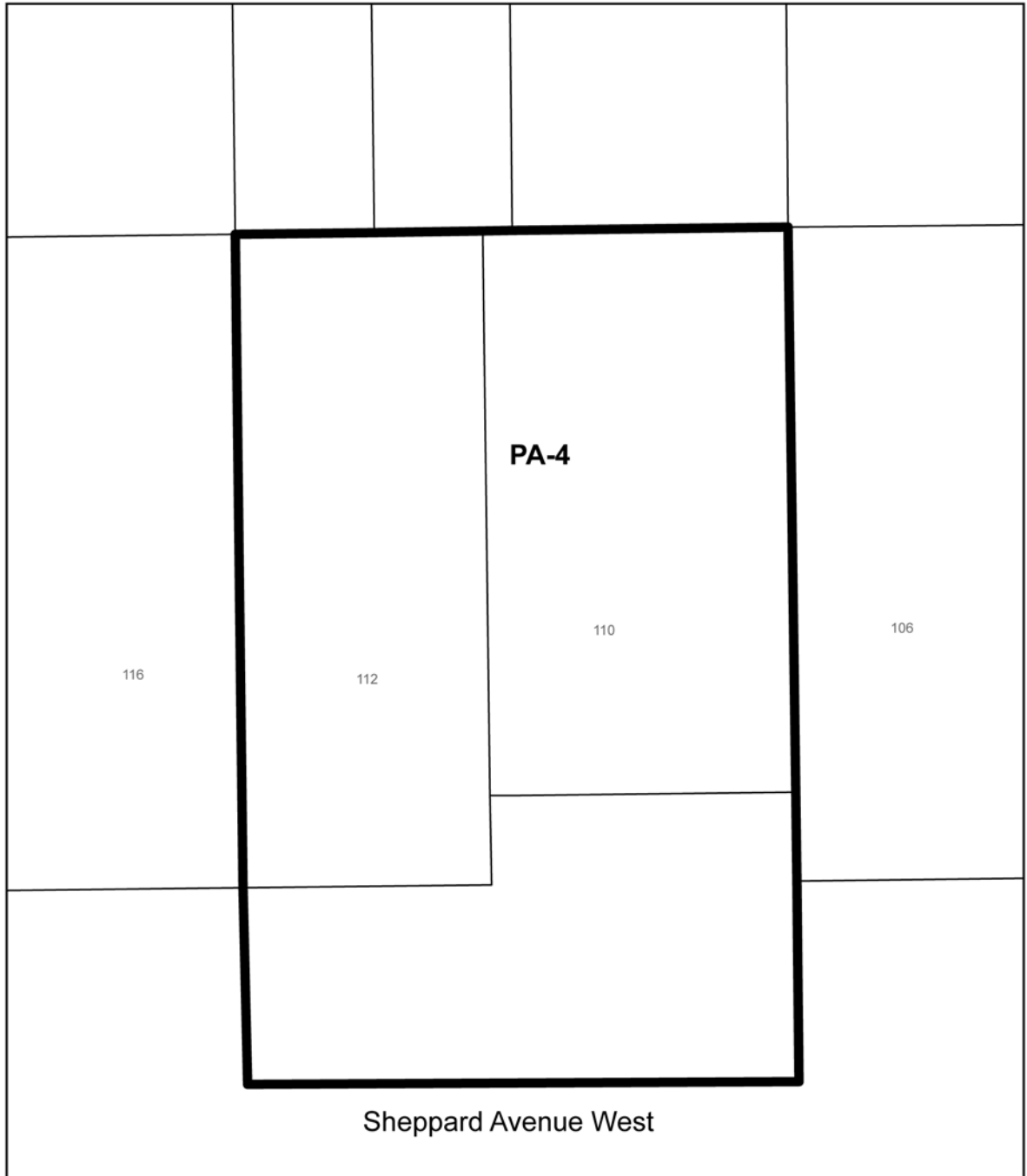


 **TORONTO**
Diagram 2

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z


City of Toronto By-law 569-2013
Not to Scale
4/26/2019

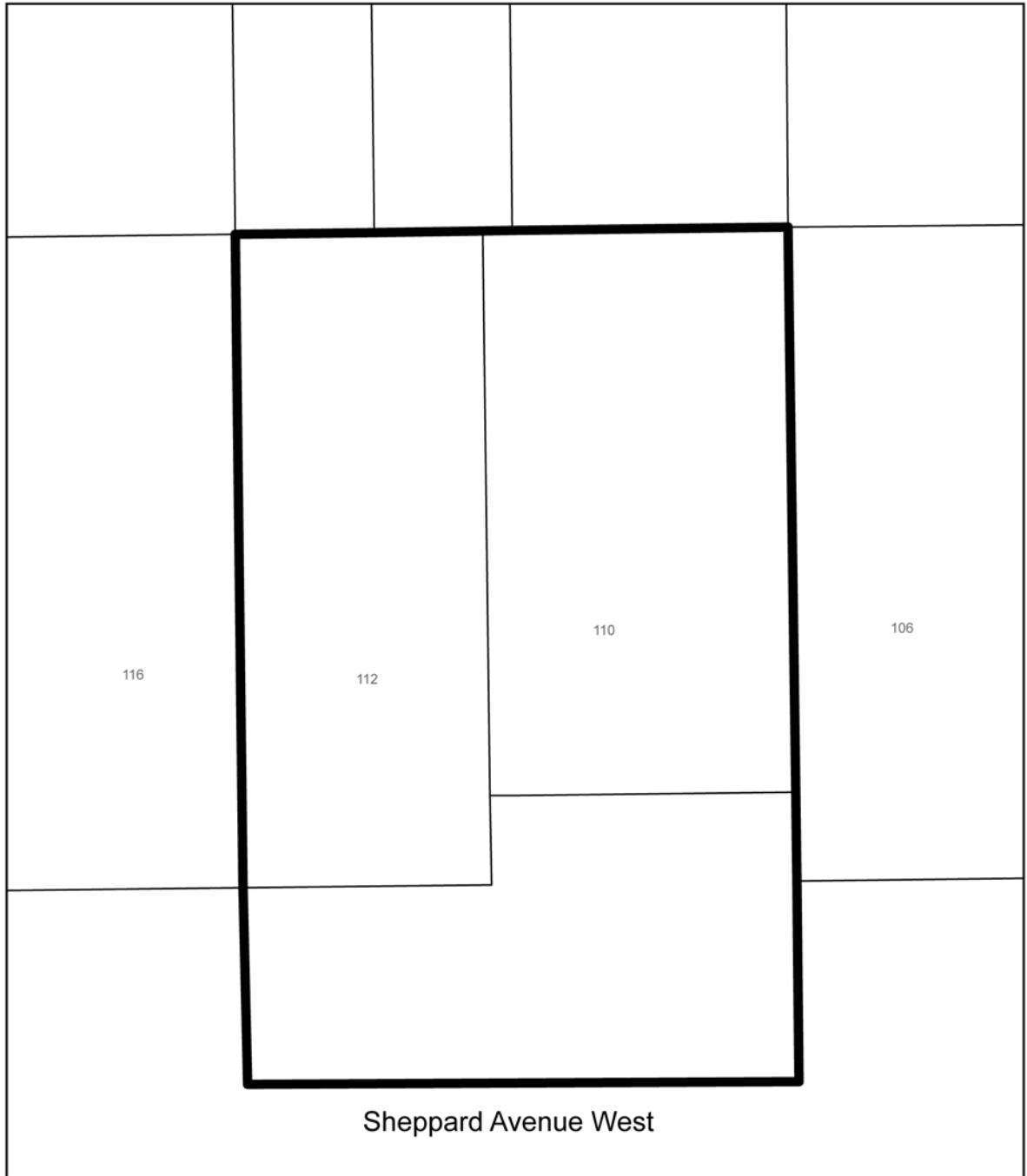


 **TORONTO**
Diagram 3

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z



City of Toronto By-law 569-2013
Not to Scale
4/9/2019

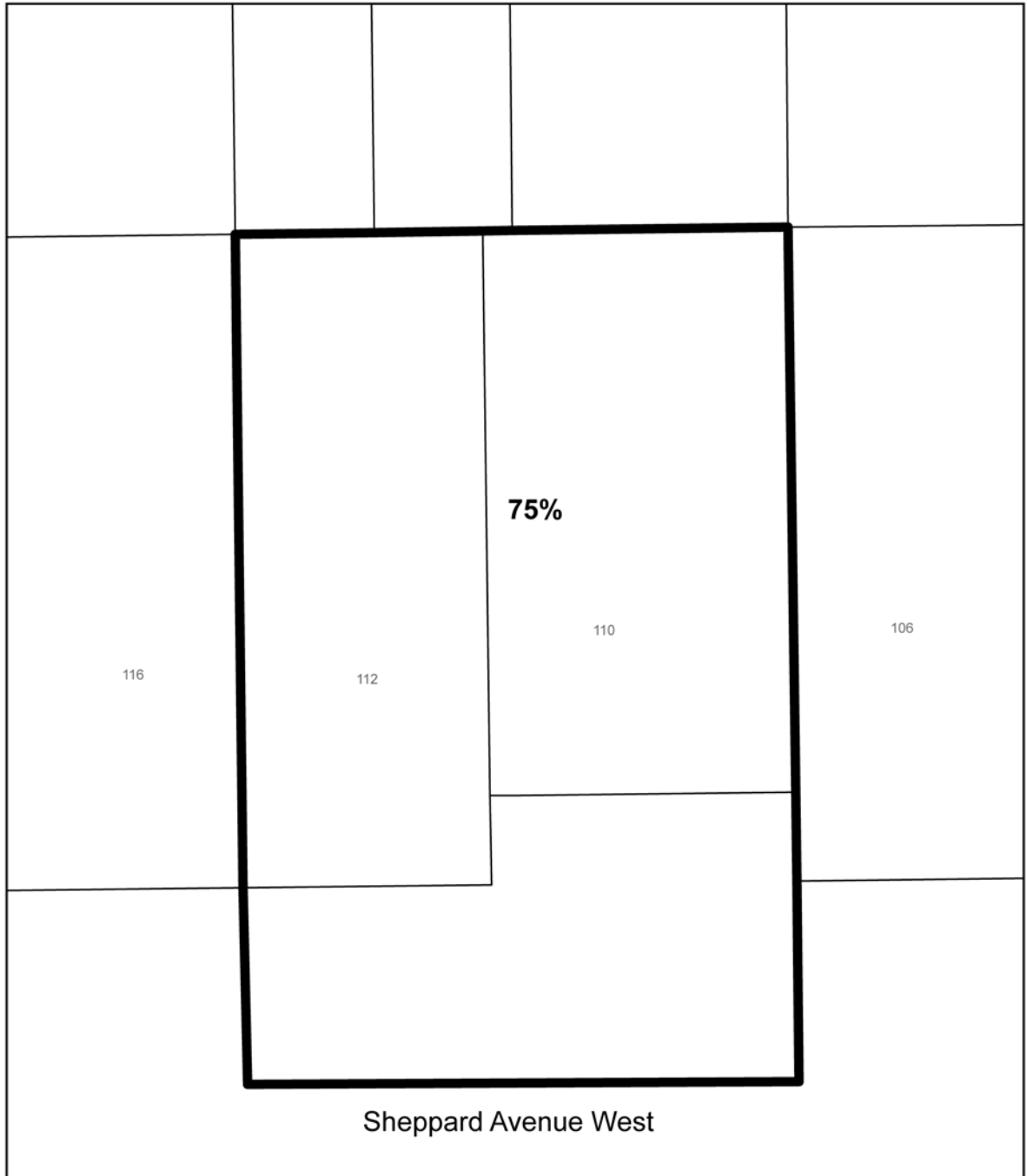


 **TORONTO**
Diagram 4

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z


City of Toronto By-law 569-2013
Not to Scale
4/9/2019

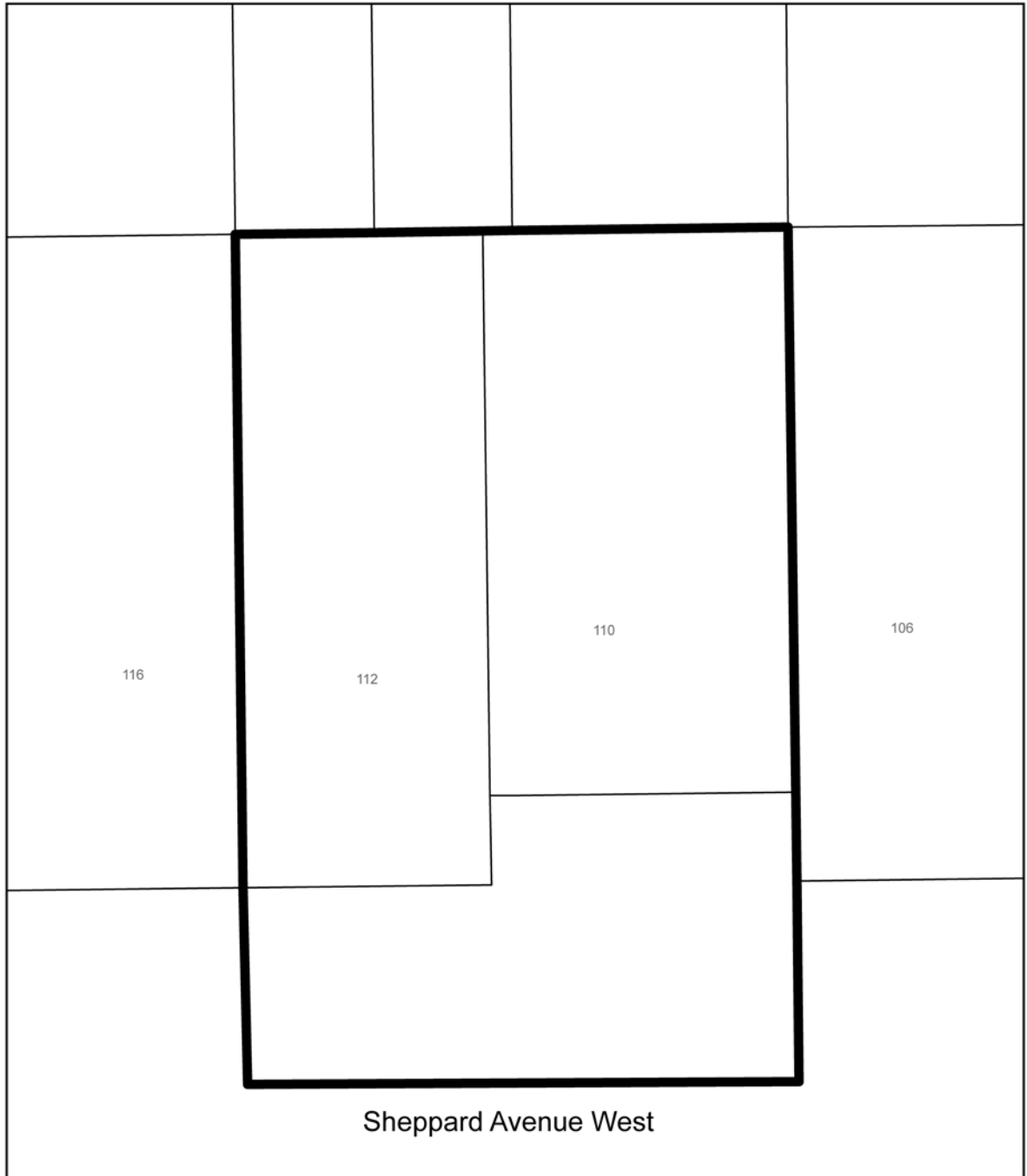


 **TORONTO**
Diagram 5

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z



City of Toronto By-law 569-2013
Not to Scale
4/9/2019



 **TORONTO**
Diagram 6

110 & 112 Sheppard Avenue West

File # 18 265487 NNY 18 0Z


City of Toronto By-law 569-2013
Not to Scale
4/9/2019