

## **665, 667, 669 and 671 Sheppard Avenue West – Zoning By-law Amendment Application – Further Report**

Date: August 19, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 6 - York Centre

**Planning Application Number:** 16 219896 NNY 10 OZ

### **SUMMARY**

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A Zoning By-law Amendment application was previously considered by City Council at its meeting on July 16, 2019 (Item NY 7.1). The application proposed 39 five-storey, stacked, back-to-back townhouses, 7 three-storey townhouses and 1 three-storey semi-detached dwelling for a total of 48 units with 50 underground parking spaces at 665, 667, 669 and 671 Sheppard Avenue West.

Some revisions to the proposal have been requested by the applicant including converting the stacked townhouse units to apartment units, adding indoor amenity space, an elevator and correcting some technical errors in the previous by-laws. The permitted height (in metres) and GFA are not proposed to change.

Given that the final Bills have not yet been passed by City Council, this report recommends approval of the revised draft Zoning By-law Amendments, as shown as Attachments 1 and 2 to this report from the Chief Planner and Executive Director, City Planning. Public notice has been provided in accordance with the *Planning Act*.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council delete Parts 1 and 2 of Item NY7.1, titled "Final Report - Zoning Amendment Application - 665, 667, 669 and 671 Sheppard Avenue West" to remove the draft by-laws and replace them with the following:
  - a. City Council amend Zoning By-law 7625, for the lands at 665, 667, 669 and 671 Sheppard Avenue West substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment 1 to this report from the Chief Planner and Executive Director, City Planning;

b. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 665, 667, 669 and 671 Sheppard Avenue West substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment 2 to this report from the Chief Planner and Executive Director, City Planning;

2. City Council authorize staff to bring the draft Zoning By-law 569-2013 Amendment, attached as Attachment 2 to this report from the Chief Planner and Executive Director, City Planning, to bring it into the final correct form; and

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

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

## **DECISION HISTORY**

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This proposal was originally submitted as an Official Plan Amendment and Zoning By-law Amendment Application on September 8, 2016. The application was deemed complete on November 21, 2016. The application was presented to the public at a Community Consultation Meeting on February 8, 2017. The Official Plan Amendment was later removed when the proposal was revised to comply with angular plane requirements.

On June 25, 2019, a Final Report on the Zoning By-law Amendment Application, dated June 18, 2019, was considered by North York Community Council and was adopted without amendment. On July 16, 2019, City Council adopted Item NY7.1 without amendments and without debate. A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY7.1>

The Bills to enact the Zoning By-law Amendments, as drafted and presented in the staff report was not brought forward to City Council at that time.

## **COMMENTS**

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On September 30th, 2019, the applicant met with City Planning staff and discussed modifications to the stacked townhouse development concept previously proposed, including an elevator to the parking garage for accessibility purposes. A few modifications were discussed.

The units within Block A (the block facing Sheppard Avenue West), were previously stacked townhouse units, each unit with its own direct access from grade. In order to access the units on floors 3 to 5, future residents would be required to climb 2 storeys at

a minimum, and 5 storeys to reach their bedrooms. The revised proposal instead provides for apartment units within Block A with elevator access to each floor. Block A originally contained eight 1-bedroom units, fourteen 2-bedroom units and seventeen 3-bedroom units, for a total of 39 units. Block A is proposed to contain two studio units, thirty-six 1-bedroom units and eighteen 2-bedroom units, for a total of 56 units. This results in an increase of 17 dwelling units within Block A.

The re-configuration of the units triggered the need to provide indoor and outdoor amenity space. The indoor amenity space is proposed on the 6th floor, which was previously private outdoor roof terraces for the upper units, and was never counted as a storey, by definition. Under this proposal, the indoor amenity space would be the sixth storey, so the number of storeys must be amended. The revised by-laws require 2.0 square metres per unit, of indoor amenity space. Since the building is now proposed to be 6 storeys, the applicant submitted a shadow study. The shadow study shows the shadow generally falling on Sheppard Avenue West and to the east, later in the day. The shadow impacts are minimal and less significant than the shadows produced by the existing 8-storey building, immediately across Yeomans Road.

Despite the change from the stacked townhouse building type to the apartment building type, the Block A floorplate remains unchanged. No additional GFA or height is proposed. The front yard setback (to Sheppard Avenue West) will be corrected due to an error, from 0.6 metres to 0.3 metres. The Block A elevations are also substantially unchanged, less minor revisions to window and door locations. Further, the units on the ground floor remain grade-related, live/work units.

Blocks B and C remain unchanged. However, the setback from Block C to the rear lot line is proposed to be changed from 12.7 metres to 12.1 metres, to correct an error, where the Sheppard West/Dublin Secondary Plan requires a minimum of 9.5 metres. This change is minor and still exceeds the minimum required setback in the Secondary Plan.

The underground garage plan has been revised in order to provide for elevator access, and would provide 50 parking spaces. The location of the parking garage ramp to the underground also remains unchanged. The minimum visitor parking requirement of 0.15 parking spaces per unit remains unchanged. Transportation Services staff are supportive of the changes to parking.

To facilitate these changes, the draft by-laws in Attachments 1 and 2 have been revised to increase the number of units, decrease resident parking rates, correct the dimension of some setbacks, require indoor amenity space and align the permitted live/work uses in both by-laws. The draft Zoning By-law 569-2013 amendment has also been revised with respect to its format, to comply with the direction provided by the Zoning Team. It was not properly captured in the previous Final Report and Recommendation 2 recommends that it be brought into the correct form (being what City council approved previously and as amended by this report).

The sanitary sewer system along Sheppard Avenue West between Bathurst Street and Dufferin Street is currently at capacity. Due to the outstanding servicing issues, staff are recommending the subject lands be zoned with a holding provision ("H") until such time

as an acceptable sanitary system solution is constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site. The applicant submitted revised architectural drawings, stormwater management report, functional servicing report and parking study. The submission was reviewed by staff in relevant City divisions.

The Site Plan Application is still under review.

The proposal complies with the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Official Plan and the Sheppard West / Dublin Secondary Plan. As the Bills have not yet been brought forward to City Council and public notice has been provided, City Planning staff are supportive of the proposed revisions.

## **CONTACT**

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## **SIGNATURE**

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Al Rezoski, Acting Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Draft Zoning By-law Amendment (Zoning By-law 7625)  
Attachment 2: Draft Zoning By-law Amendment (Zoning By-law 569-2013)

Attachment 1: Draft Zoning By-law Amendment (Zoning By-law 7625)

CITY OF TORONTO BY-LAW No. XXXX-2020

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 665, 667, 669 and 671 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 of the Planning Act, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2018 as 665, 667, 669 and 671 Sheppard Avenue West;

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

AND WHEREAS the Council of the City of Toronto, at its meeting on \_\_\_\_\_, determined to amend Zoning By-law No. 7625 of the former City of North York, as amended;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

Schedules B and C of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.

Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.20-A (253) RM6 (253) DEFINITIONS

For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:

parking loading and bicycle parking below established grade;

required loading spaces and required bicycle parking spaces at or above established grade;

storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

shower and change facilities required by this By-law for required bicycle parking spaces;

indoor amenity space;

elevator shafts;

garbage shafts;

mechanical penthouse; and

exit stairwells in the building;

For the purpose of this exception, “Bicycle Parking Space” shall mean an area used for parking or storing a bicycle.

For the purpose of this exception, “Live/Work Unit” shall mean a dwelling unit that may contain non-residential uses as listed in (g) below, permitted in this exception, located on the ground floor that:

Are conducted only by a member or members of the household who reside in the dwelling unit as their principal residence; and

Has direct pedestrian access to a public sidewalk.

For the purposes of this exception, “Multiple Attached Dwelling – Stacked Townhouse” shall mean a building with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area.

For the purpose of this exception, “established grade” shall mean 186.73 metres Canadian Geodetic Datum.

For the purpose of this exception, “Type G Loading Space” shall have a minimum length of 13.0 metres, a minimum width of 4.0 metres; and a minimum vertical clearance of 6.1 metres.

## PERMITTED USES

On the lands identified on Schedule RM6 (253), the only permitted uses shall be:

### RESIDENTIAL:

A multiple attached dwelling  
multiple attached dwelling – stacked townhouse  
apartment dwelling;

### NON-RESIDENTIAL:

Artist Studio  
Office Use  
Custom workshops making articles or products to be sold at retail on the premises  
Service Shop  
Personal Service Shop  
Medical office for a chiropractor, massage therapist, or acupuncturist

All non-residential uses shall be restricted to the ground floor level along Sheppard Avenue West.

The provisions of Section 20-A.1(b)(i) (Use Qualifications) shall not apply.

## EXCEPTION REGULATIONS

### LOT COVERAGE

The maximum lot coverage shall be 50%.

### DWELLING UNITS

A maximum of 65 dwelling units shall be permitted within the area identified with heavy black lines on Schedule 1 of this By-law.

### YARD SETBACKS

The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule RM6(253).

Notwithstanding the building envelopes shown on Schedule RM6(253), the following elements are permitted to encroach into the required minimum yard setbacks provided that they do not encroach onto the adjacent public boulevards:

site servicing features (including but not limited to exhaust shafts and retaining walls),  
art and landscape features,  
fences,  
screens,  
awnings, canopies,  
Planters,  
ventilation shafts,  
stairs, guardrails, balustrades,  
stair enclosures and associated structures,  
cornices, light fixtures, ornamental elements, parapets,  
architectural features,  
patios, decks,  
pillars, trellises, columns,  
balconies, terraces and support structures,  
thermal insulation,  
eaves, window sills, bay windows,  
underground structures,  
underground garage ramps and associated structures.

### GROSS FLOOR AREA

The maximum permitted gross floor area shall be 5450m<sup>2</sup>.

### BUILDING HEIGHT

The maximum number of storeys above established grade and the maximum building height in metres for all buildings shall be as shown on Schedule RM6(253), excluding mechanical equipment and elevator/stair access.

The maximum height of rooftop mechanical equipment and elevator/stairs access shall be 4m.

No part of a building on the lot may penetrate a 45 degree angular plane measured from the ground at the southern lot line.

## VEHICULAR PARKING

A minimum of 41 parking spaces for residents.

A minimum of 9 parking spaces for visitors and commercial components of live/work units.

## BICYCLE PARKING

A minimum of 44 bicycle parking spaces shall be provided.

## LOADING

A minimum of one (1) Type G loading space shall be provided.

## DIVISION OF LANDS

Notwithstanding any severance 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 it remained one lot.

## AMENITY SPACE

An Apartment Building or Townhouse must provide amenity space at a minimum rate of 4.0 square metres for each dwelling unit, of which at least 2.0 square metres for each dwelling unit is indoor amenity space.

Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule "RM6 (253)" attached to this By-law.

## HOLDING PROVISIONS

The lands zoned with the "(H)" symbol delineated by heavy lines on Schedule 1 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 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:

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



The owner submits Functional Servicing and Stormwater Management Reports acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;

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;

The receipt of all necessary approvals for the infrastructure required, as described (ii) above; and,

The acceptable sanitary system solution is constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

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.

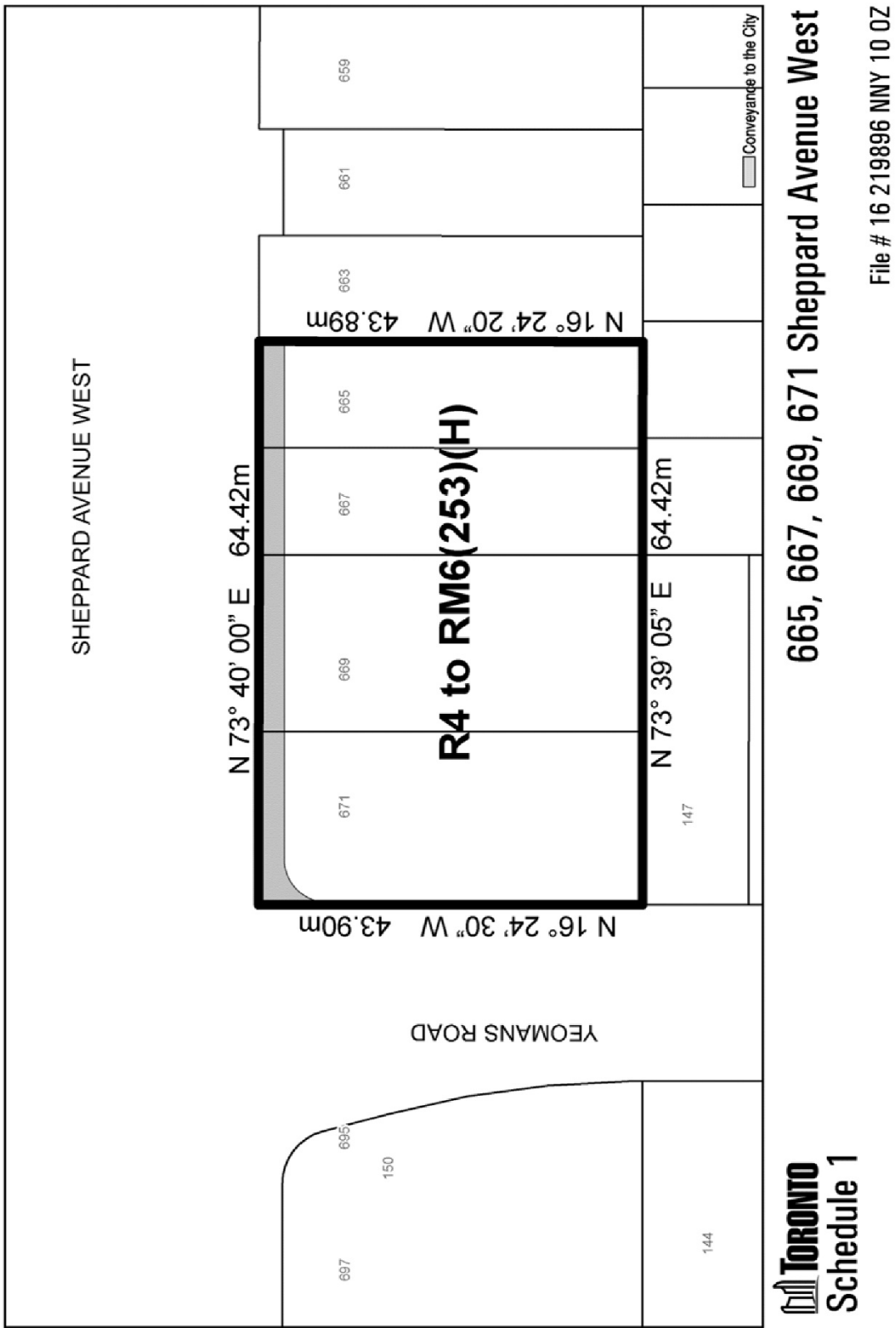
Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

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  
all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

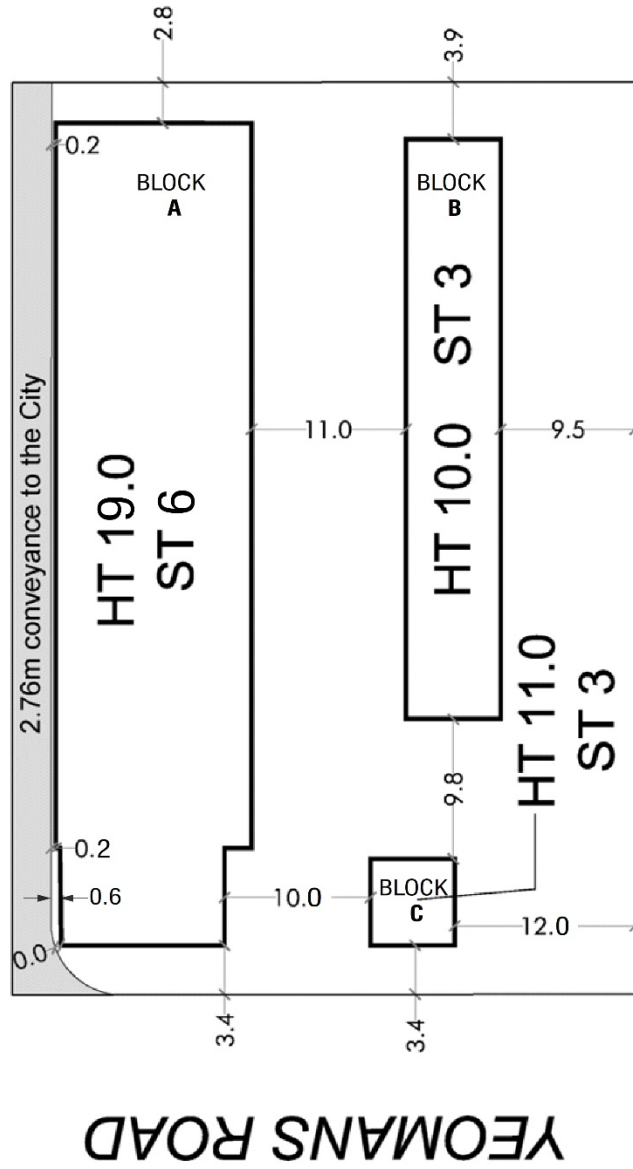
JOHN TORY,           ULLI S. WATKISS,  
Mayor City Clerk

(Corporate Seal)



City of North York By-law 7625  
Not to Scale  
7/17/2020

# SHEPPARD AVENUE WEST



Conveyance to the City



Schedule RM6 (253)

665, 667, 669, 671 Sheppard Avenue West

File # 16 219896 NNY 10 0Z



City of North York By-law 7625  
Not to Scale  
7/17/2020

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

CITY OF TORONTO

BY-LAW No. XXXX-2020

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 665, 667, 669 and 671 Sheppard Avenue West.

WHEREAS Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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;

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;

WHEREAS pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to (H) RM (f64.0; a2600) (x80), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number RM 80 so that it reads:

Exception RM 80

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:

On 665, 667, 669 and 671 Sheppard Avenue West, a building, structure, addition or enlargement is permitted in compliance with (B) through (P) below;

For the purposes of this exception:

the lot is the land outlined by heavy lines on Diagram 1 attached to By-law [Clerks to insert]; and

established grade is 186.73 metres Canadian Geodetic Datum;

In addition to the residential building types listed in Regulation 10.80.20.40(1), a townhouse is a permitted residential building type;

A home occupation located in the first storey of a dwelling unit facing Sheppard Avenue West with direct pedestrian access to a public sidewalk:

may include the following uses: artist studio, office, custom workshop making articles or products to be sold at retail on the premises, service shop and personal service shop, conducted only by a member or members of the household who reside in the dwelling unit as their principal residence;

is not subject to Regulations 150.5.20.1(1)(A) and (B), (2), (4), 150.5.40.1(1), and 150.5.40.40(1); and,

Despite Regulations 150.5.20.1(1)(C) and (D), a home occupation may be an office or medical office for a chiropractor, massage therapist, or acupuncturist;

Despite Clause 10.5.40.40, the gross floor area of all buildings on the lot may be reduced by:

parking, loading and bicycle parking below established grade;  
required loading spaces and required bicycle parking spaces at or above established grade;  
storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;  
shower and change facilities required by this By-law for required bicycle parking spaces;  
indoor amenity space;  
elevator shafts;  
garbage shafts;  
mechanical penthouses; and  
exit stairwells in the building.

Despite Regulation 10.80.40.40(1), the permitted maximum gross floor area of all buildings on the lot is 5450 square metres;

Despite Regulation 10.80.30.40(1), the permitted maximum lot coverage, as a percentage of the lot area, is 50%;

Despite Regulation 10.80.40.1(2), the permitted maximum number of dwelling units on the lot is 65;

Despite Regulations 10.80.40.10(1) and (3), the permitted maximum height of a building or structure is the numerical value following the symbol "HT" and the permitted maximum number of storeys is the numerical value following the symbol "ST" as shown on Diagram 3 attached to By-law [Clerks to insert];

Despite Regulations 10.5.40.10(2), (3) and (4), and (I) above, the following elements may project above the permitted maximum height:

wind screens, parapets, awnings, guard rails, railings and dividers, public art, structures for open air recreation, pergolas, trellises, balustrades, eaves, screens, stairs, stair/elevator access, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features and screens, landscaping, elements of a green roof and insulation and roof surface materials, planters, heating, mechanical equipment and any associated enclosure, elevator overrun, cooling and ventilating equipment and structures used for safety above the maximum height limit shown on Diagram 3 attached to By-law [Clerks to insert];

The maximum height of rooftop mechanical equipment and stair/elevator access is 4 metres.

Despite Clauses 10.5.40.70, 10.80.40.70 and 10.80.40.80, the required minimum building setbacks and required separation distances between main walls of buildings are shown in metres on Diagram 3 attached to By-law [Clerks to insert];

Despite Clause 10.5.40.60 and Regulation (K) above, the following elements may encroach into a required building setback or required separation distance between main walls:

site servicing features (including but not limited to exhaust shafts and retaining walls), art and landscape features, fences, screens, awnings, canopies, planters, ventilation shafts, stairs, guardrails, balustrades, stair enclosures and associated structures, cornices, light fixtures, ornamental elements, parapets, architectural features, patios, decks, pillars, trellises, columns, balconies, terraces and support structures, thermal insulation, eaves, window sills, bay windows, underground garage ramps and associated structures.

The elements listed in L.(i) above may not encroach beyond a lot line.

Clause 10.5.50.10, with respect to required landscaping, does not apply;

Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided and maintained on the lot in accordance with the following:

41 parking spaces for residents; and

9 parking spaces for the shared use of visitors to dwelling units and home occupation uses;

Regulations 230.5.1.10(7)(B) and 230.5.10.1(1) do not apply. Bicycle parking spaces shall be provided as follows:

A minimum of 44 "long term" bicycle parking spaces; and,

A minimum of 5 "short term" bicycle parking spaces.

An Apartment Building or Townhouse must provide amenity space at a minimum rate of 4.0 square metres for each dwelling unit, of which at least 2.0 square metres for each dwelling unit is indoor amenity space.

Prevailing By-laws and Prevailing Sections:

(A) Schedule `D' Airport Hazard Map from City of North York Zoning By-law 7625.

5. None of the provisions of By-law No. 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law, which means a building, structure, facility, trailer or portion thereof used exclusively for the purpose of the sale or rental of dwelling units to be erected on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

6. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division has occurred.

7. Holding Provisions

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 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 submits 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;

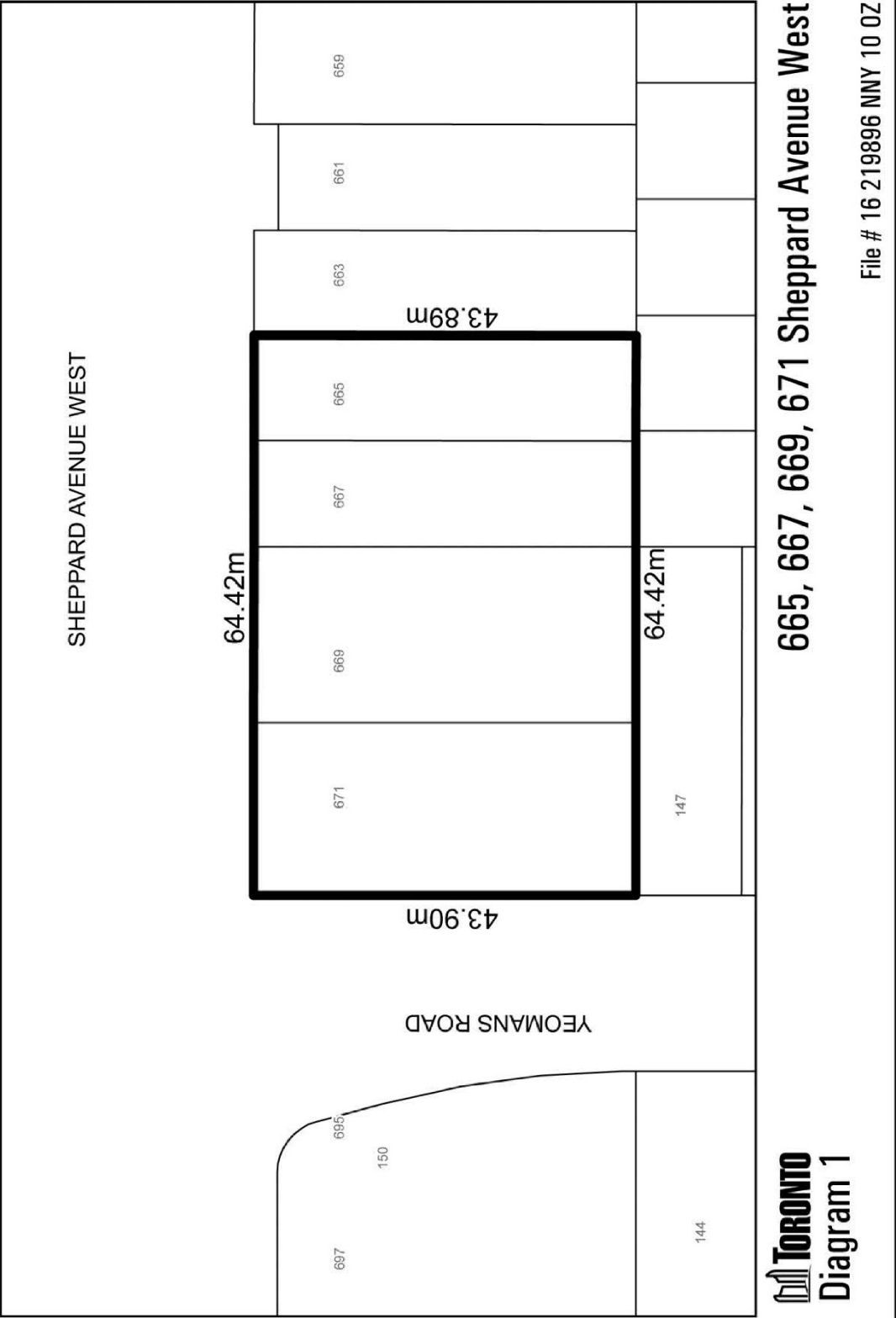
(iii) The receipt of all necessary approvals for the infrastructure required, as described (ii) above; and,

(iv) The acceptable sanitary system solution is constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

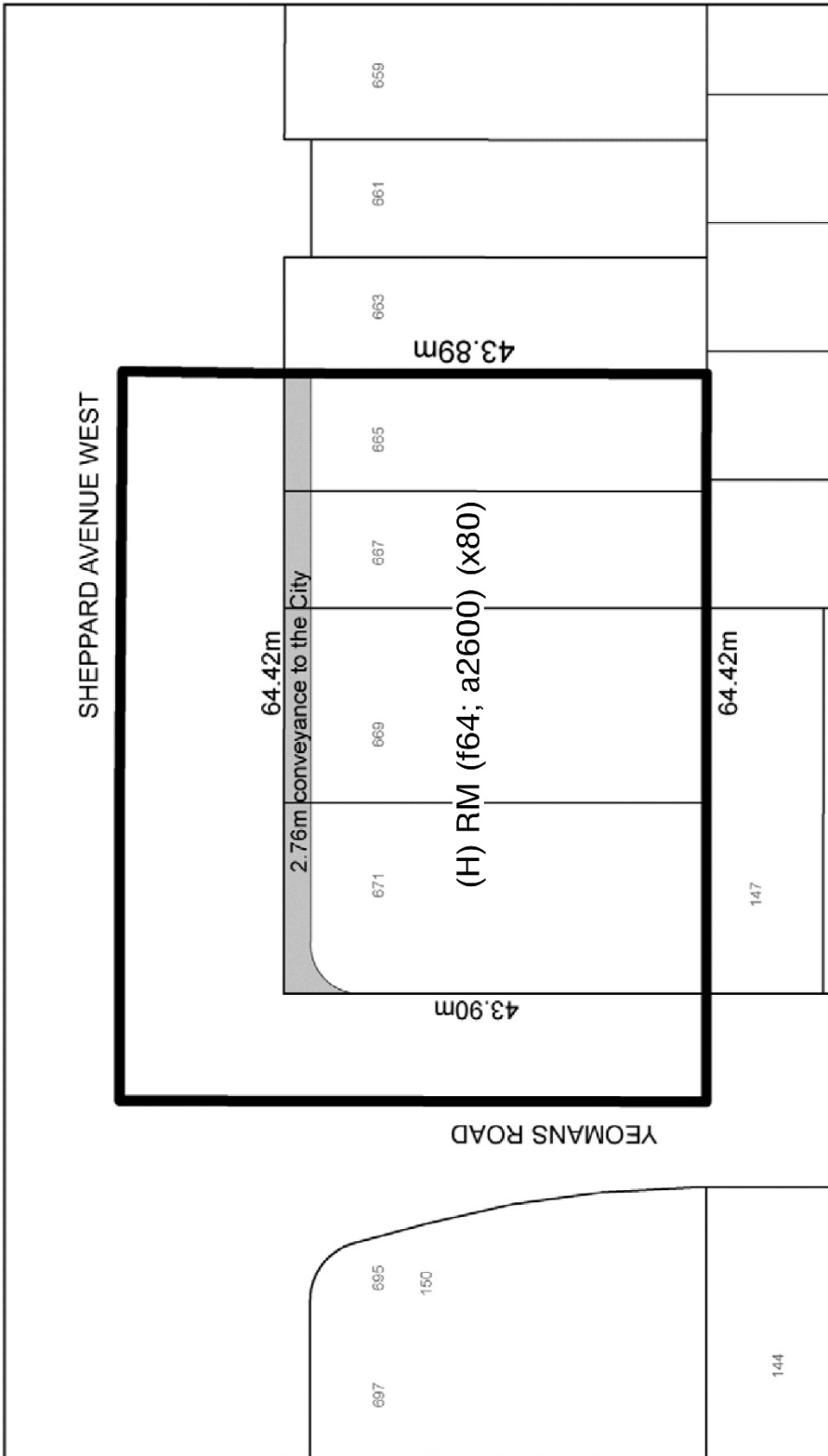
ENACTED AND PASSED this       day of       , 2020.

JOHN TORY ULLI S. WATKISS  
Mayor City Clerk  
(Corporate Seal)





City of Toronto By-law 569-2013  
Not to Scale  
7/17/2020



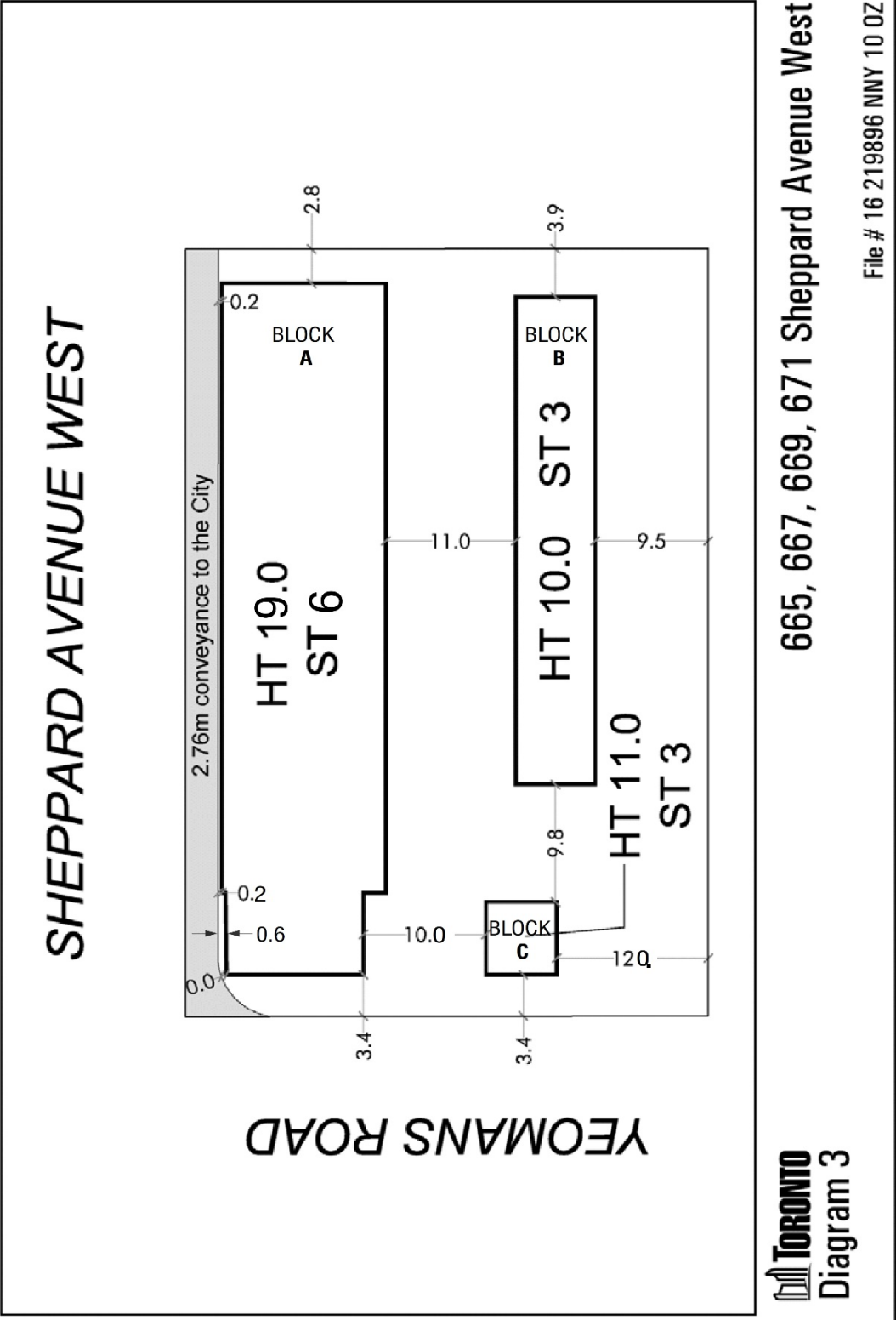
**Toronto**  
Diagram 2

665, 667, 669, 671 Sheppard Avenue West

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