

**847 – 873 Sheppard Avenue West – Official Plan
Amendment, Zoning By-law Amendment and Rental
Housing Demolition Applications – Supplementary
Report (NY 34.121)**

Date:	August 25, 2014
To:	City of Toronto Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 10 – York Centre
Reference Number:	P:\2014\Cluster B\PLN\City Council\CC14140 (File No. 09 187447 NNY 10 OZ and 10 203250 NNY 10 RH)

SUMMARY

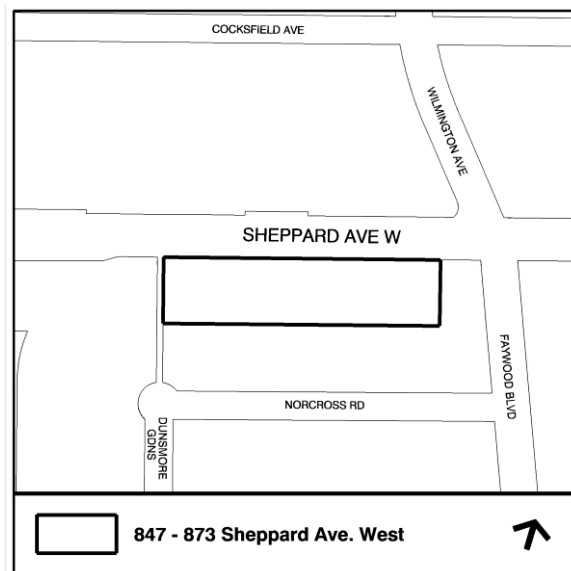
The purpose of this report is to provide background information on the motion made at North York Community Council on August 12, 2014 (NY34.121), relating to conditional approval of the Rental Housing Demolition Application for 847-873 Sheppard Avenue West.

This motion is consistent with City Council's original direction adopted on October 2, 3 and 4, 2012, relating to the Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition Applications at 847-873 Sheppard Avenue West. The motion contained in item NY 34.121 provides clarification that the submission of a Site Plan Control application is required prior to demolition and that Site Plan Control approval is not a pre-demolition requirement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. This report be received for information.



Financial Impact

There are no financial implications.

DECISION HISTORY

On November 12, 2009, an application to amend the Official Plan and Zoning By-law was submitted for two 9-storey (30.4m) mixed use buildings above a common 2-storey underground parking garage. Retail/commercial uses and 13 live/work units were proposed at grade. A total of 296 residential dwelling units were proposed including seven (7) replacement rental housing units.

A Request for Directions Report dated August 23, 2012, outlined the issues surrounding the appeal of Official Plan and Zoning By-law Amendment applications filed by the owner to the Ontario Municipal Board. The report also sought a City Council decision regarding the owner's application for the demolition of 16 rental housing units within 12 single detached dwellings, pursuant to Chapter 667 of the Municipal Code.

City Council on October 2, 3 and 4, 2012, adopted a number of recommendations with respect to the applications:

- The City Solicitor request the Ontario Municipal Board to withhold any final Orders approving Official Plan and Zoning By-law Amendments until a Section 37 Agreement is registered;
- Require the provision of seven (7) new replacement rental dwelling units;
- Secure a \$400,000 contribution towards capital improvements at Irv Chapley Park and Community Centre, the Wilson Heights Parkette and the City-owned open space adjacent to the Heschel School;
- The provision of payments for Engineering upgrades and review fees;
- Require the owner to submit an application for Site Plan Control;
- That City Council approve the application to demolish the twelve existing detached rental houses, subject to OMB approval;
- The applicant enter into a Section 111 Agreement and register a Section 118 Restriction to secure the conditions related to the rental replacement and protection prior to demolition;
- The site be fenced and maintained; and
- A new building be erected on the site within 3 years of demolition or the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY18.32>

The Ontario Municipal Board (OMB) decision dated October 25, 2012 (https://www.omb.gov.on.ca/e-decisions_old/pl120593-oct-25-2012.pdf), allowed the appeals and approved in principle the draft forms of the proposed Official Plan Amendment and the proposed Zoning By-law Amendment. The parties asked the Board to withhold its Order pending provision of the final form of the Official Plan Amendment, Zoning By-law Amendment and finalization of the content of the Section 37 Agreement.

ISSUE BACKGROUND

North York Community Council at its meeting on August 12, 2014, forwarded to City Council without recommendation and requested Staff to report directly to Council on the motion (NY34.121), to permit the demolition application for 847-873 Sheppard Avenue West, with the following conditions:

- That the applicant enter into a Section 37 Agreement with the municipality based on the OMB decision dated October 25, 2012;
- That such agreement include a mandatory requirement that the applicant provide and maintain on site not less than seven (7) new replacement rental units, comprising three (3) one-bedroom units and four (4) two-bedroom units, of which at least 5 shall have affordable rents and 2 shall have rents no higher than mid-range rents;
- All other obligations of the applicant including a \$400,000 contribution towards capital improvements to Irv Chapley Park and Community Centre, the Wilson Heights Parkette and City-owned open space adjacent to the Heschel School due prior to the issuance of an above-grade building permit shall continue to apply and will be embedded within the Section 37 agreement;
- That the applicant files a site plan application;
- That a construction fence be erected;
- That all debris and rubble be removed immediately after demolition; and
- That the site be sodded and maintained.
(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.121>)

COMMENTS

This motion is consistent with City Council's original adopted recommendation on October 2, 3 and 4, 2012, relating to the Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition Applications at 847-873 Sheppard Avenue West. The terms of Council's approval are being implemented through the Section 37 Agreement to include a requirement for a Section 111 Agreement and 118 Restriction. In discussions with the applicant's consultant, he has advised that he is looking for clarity in the matter of the timing of the Site Plan Control approval. The applicant has submitted a Site Plan Control

application, meeting Council's earlier condition. NY 34.121 provides clarity that the submission of a Site Plan Control application meets the site plan pre-condition to demolition. All other pre-demolition conditions must still be fulfilled. The motion is acceptable to staff as it does not change the intent of the earlier Council decision. The motion provides clarification on timing of the Site Plan Control application.

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SIGNATURE

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