

719 Sheppard Avenue West – Zoning By-law Amendment: Removal of the Holding (H) Symbol – Final Report

Date: October 28, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Ward 6 - York Centre

Planning Application Number: 19 251291 NNY 06 OZ

SUMMARY

This application proposes to amend the former City of North York Zoning By-law 7625 and site-specific Zoning By-law 338-2015 to remove the Holding (H) Symbol for the lands currently zoned RM6(227)(H). This zone permits a 9-storey, 91-unit, midrise building with live/work units on the ground floor and residential units above.

The existing site-specific Zoning By-law contains a Holding (H) symbol due to existing sanitary capacity issues. A solution for the sanitary capacity issues has been identified and the contract for the works has been awarded. As such, the Chief Engineer and Executive Director of Engineering and Construction Services is satisfied that the works will be completed before occupancy of this project and is satisfied that the Hold can be removed.

This report reviews and recommends approval of the application to lift the Holding (H) Symbol for the lands at 719 Sheppard Avenue West.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The redevelopment proposal is in keeping with the Official Plan and the Sheppard West/Dublin Secondary Plan. By removing the Hold the Council-approved development can proceed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 7625, as amended by By-law 338-2015, for the lands at 719 Sheppard Avenue West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

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

DECISION HISTORY

City Council adopted a Request For Direction Report for Official Plan and Zoning By-law Amendments for 719 Sheppard Avenue West on August 25, 2014. The report recommended the placing of a Holding Provision ('H') on the site until such time as the applicant has addressed the outstanding servicing issues to the satisfaction of the Executive Director of Engineering and Construction Services. The application proposed a 9-storey (27.7-metre), 91-unit, midrise building with live/work units on the ground floor and residential units above, subject to a Holding Provision. The Holding Provision is to be lifted at such a time as the sanitary servicing solution is acceptable, to the satisfaction of the Executive Director of Engineering and Construction Services, North District.

The 2014 Request for Direction Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-71829.pdf>

The former Ontario Municipal Board approved the application on November 28, 2014, resulting in amendment No. 264 to the Official Plan and By-law 338-2015. Zoning By-law 338-2015 facilitated the development by zoning the site RM6(266)(H).

The 2014 former Ontario Municipal Board decision can be found here:

<http://www.omb.gov.on.ca/e-decisions/pl140172-Nov-28-2014.pdf>

PROPOSAL

An application has been submitted to amend the former City of North York Zoning By-law 7625 as amended by site-specific Zoning By-law 338-2015 to remove the Holding (H) Symbol for the lands at 719 Sheppard Avenue West. Zoning By-law 338-2015 permits a 9-storey (27.7-metre), 91-unit, midrise building with live/work units on the ground floor and residential units above, on the southeast corner of Sheppard Avenue West and Harlock Boulevard. A total of 6,785 square metres of gross floor area is permitted which results in a density of 3.86 times the area of the lot.

Reasons for Application

Site specific zoning By-law 338-2015 contains a Holding (H) provision that restricts development of the site until such a time as a sanitary servicing solution is acceptable, to the satisfaction of the Executive Director of Engineering and Construction Services, North District. The Holding (H) Symbol must be removed in order to proceed with the construction of the proposed building and for building permits to be issued.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Sanitary Analysis Report
- Servicing Report
- Stormwater Management Report

The submitted documents are available on the City's Application Information Centre (AIC) which can be accessed via the following link:

<http://app.toronto.ca/AIC/index.do?folderRsn=ds9TUrn%2BQOF068S7e6BT6g%3D%3D>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement.

Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

The site is designated as *Mixed Use Areas* in the Official Plan. *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. The Official Plan also contains policies regarding appropriate transition between *Mixed Use Areas* and adjacent *Neighbourhoods*. Development within *Mixed Use Areas* will be located and

massed in such a way as to provide a transition between areas of different development intensity and scale.

In addition, this portion of Sheppard Avenue West is identified on Map 2 of the Official Plan as *Avenue*. *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.

Chapter 2 - Shaping the City

The Official Plan states that infrastructure is needed to provide clean water, manage sewage and stormwater and treat it before it goes into Lake Ontario. Water and wastewater services are important foundations for growth in the City, as well as for maintaining quality of life; and, that the City's water, wastewater and stormwater management infrastructure will be maintained and developed to support the city-building objectives of the Plan by providing adequate facilities to support new development.

Chapter 5 - Implementation: Making Things Happen

The Official Plan states that under the Planning Act, Council can pass a "holding" zoning by-law that places an "H" symbol over the zoning and spells out the conditions that must be met before the "H" symbol is removed and the lands can be developed. Conditions to be met prior to the removal of the holding provision may include servicing improvements.

The City of Toronto Official Plan can be found here:

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

Sheppard West/Dublin Secondary Plan

The site is located within the Sheppard West/Dublin Secondary Plan and is designated *Mixed Use Area B* on Map 23-1. The objective of the Secondary Plan is to encourage and maintain a diversity of residential, institutional, service commercial, office and open space uses along the corridor stretching from Bathurst Street in the east, towards Allen Road and the Sheppard West Subway Station in the west.

In *Mixed Use Area B* of the Sheppard West/Dublin Secondary Plan, the preferred form of mixed use development includes ground floor commercial uses with upper floor residential uses. The Secondary Plan provides greater densities for development parcels that provide a mix of commercial and residential uses and which have a frontage on Sheppard Avenue West greater than 30 metres.

The Sheppard West/Dublin Secondary Plan also includes a site-specific policy for 719 Sheppard Avenue West. This site-specific policy permits an apartment building with grade-related residential and/or non-residential uses, having a maximum density of 3.86

times the lot area and a maximum height of 9 storeys and 28.0 metres, excluding the mechanical penthouse.

The Sheppard West/Dublin Secondary Plan can be found here:
<https://www1.toronto.ca/planning/23-sheppard-west-dublin.pdf>

Zoning

The site is zoned RM6(227)(H) in the former City of North York Zoning By-law 7625. The site-specific zoning permits a 9-storey apartment building with 91 residential units including live/work units at grade, subject to a Holding Provision. The Holding Provision can be lifted at such a time as the sanitary servicing solution is acceptable, to the satisfaction of the Executive Director of Engineering and Construction Services, North District.

The site is not subject to City of Toronto Zoning By-law 569-2013.

Site Plan Control

An application for Site Plan Control has been submitted (file no.13 115557 NNY 10 SA) and is under review.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (2020), and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan and the Sheppard West / Dublin Secondary Plan. The development of the site with the proposed 9-storey mixed use building will provide a range of residential opportunities within the Sheppard Avenue West corridor.

Lifting of the Holding (H) Symbol

The development proposal for a 9storey mixed use building was already considered and approved by City Council on February 26, 2020. No changes to that development are being proposed.

The Holding provision was placed on these lands due to existing sanitary sewer capacity issues. Engineering and Construction Services staff have indicated that the contract to construct the servicing upgrades required in this area was awarded on June 9, 2021. As the sanitary servicing solution is now acceptable to the satisfaction of Engineering and Construction Services, the requirements of Zoning By-law 338-2015 for lifting of the Hold have been met.

Servicing

A Sanitary Capacity Analysis was submitted to demonstrate that suitable sanitary capacity is available on Sheppard Avenue West to facilitate the proposed development. This application was circulated to Engineering and Construction Services for assessment. Development Engineering Staff have advised that Toronto Water staff have accepted the proposed Sanitary Capacity Analysis and do not anticipate that the construction of the 9-storey building will have a negative impact on the sanitary system on Sheppard Avenue West, based on the consultant's report. Part of the sanitary solution involves installing an on-site sanitary storage tank. The applicant has satisfied the requirements of site-specific Zoning By-law 338-2015 and it is recommended that the Holding (H) Symbol be removed in accordance with the attached draft Zoning By-law Amendment (see Attachment 5).

Community Consultation

Community consultation is not required for an application to lift the Holding (H) Symbol and, as such, a community meeting was not held for this application.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Sheppard West/Dublin Secondary Plan.

Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms with the Toronto Official Plan and the Sheppard West/Dublin Secondary Plan. Staff are of the opinion that the requirements for lifting the Hold have been met and recommend that Council support approval of the application to remove the Holding (H) provision on the site.

CONTACT

Kelly Snow, Planner, Community Planning
Tel. No. (416) 395-7124
E-mail: kelly.snow@toronto.ca

SIGNATURE

David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Former City of North York Zoning By-law 7625

Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7a: North and East Elevations

Attachment 7b: South and West Elevations

Attachment 1: Application Data Sheet

Municipal Address: 719 Sheppard Avenue West Date Received: November 20, 2019
 Application Number: 19 251291 NNY 06 OZ
 Application Type: OPA / Rezoning, Rezoning

Project Description: Application to lift the holding provision (H) in By-law 338-2015. The "H" shall be lifted from the lands shown on Schedule 1 at such a time as the sanitary servicing solution is acceptable, to the satisfaction of the Executive Director of Engineering and Construction Services, North District.

Applicant	Agent	Architect	Owner
M BEHAR PLANNING & DESIGN INC			719 SHEPPARD INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	RM6(227)(H)	Heritage Designation:	N
Height Limit (m):	28.0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,756 Frontage (m): 40 Depth (m): 44

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			826	826
Residential GFA (sq m):			6,785	6,785
Non-Residential GFA (sq m):				
Total GFA (sq m):			6,785	6,785
Height - Storeys:	2		9	9
Height - Metres:			31	31

Lot Coverage Ratio (%): 47.01 Floor Space Index: 3.86

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	6,785	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			91	91
Other:				
Total Units:			91	91

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	2	78	10	1	
Total Units:	2	78	10	1	

Parking and Loading

Parking Spaces:	101	Bicycle Parking Spaces:	69	Loading Docks:	1
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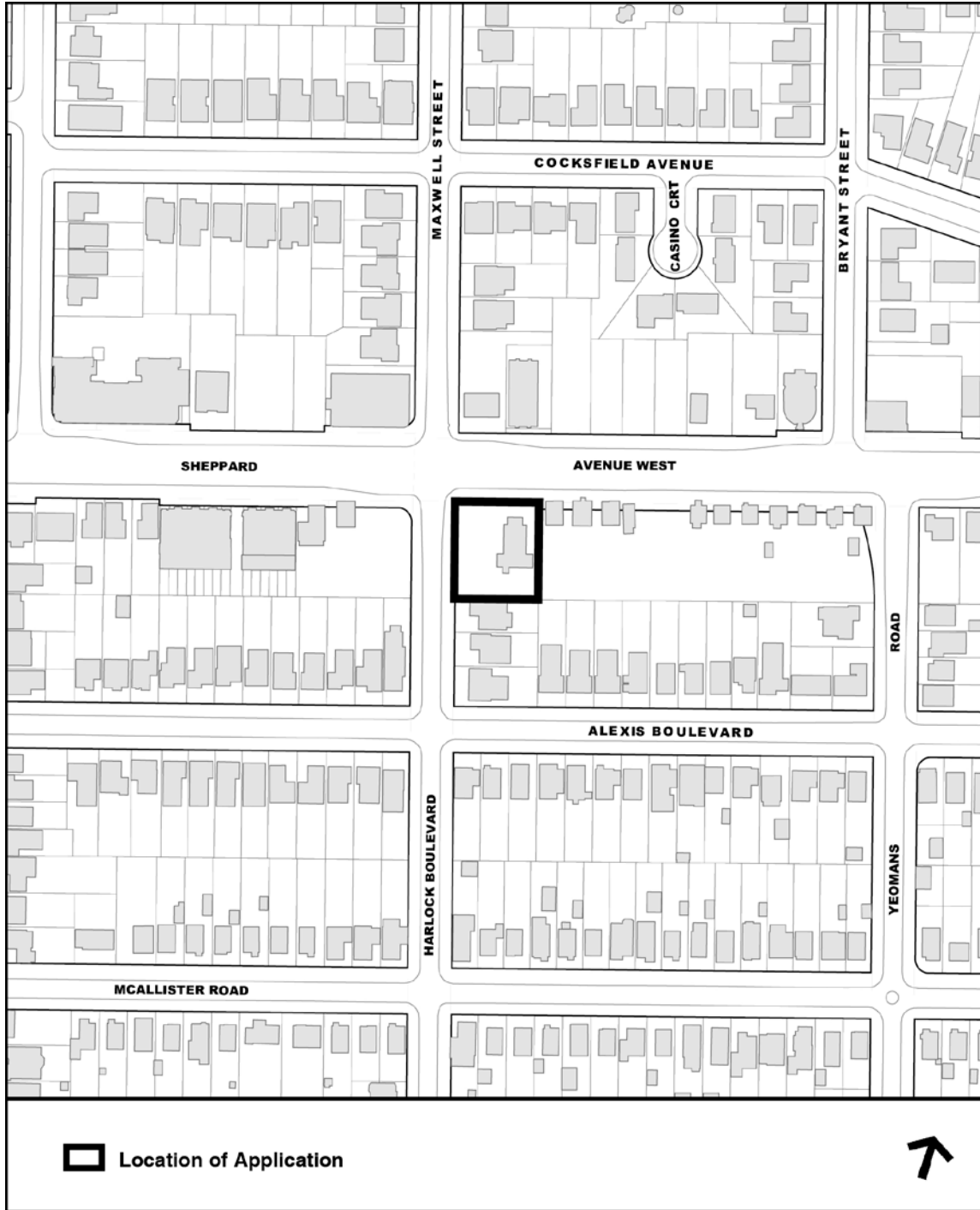
CONTACT:

Kelly Snow, Planner, Community Planning

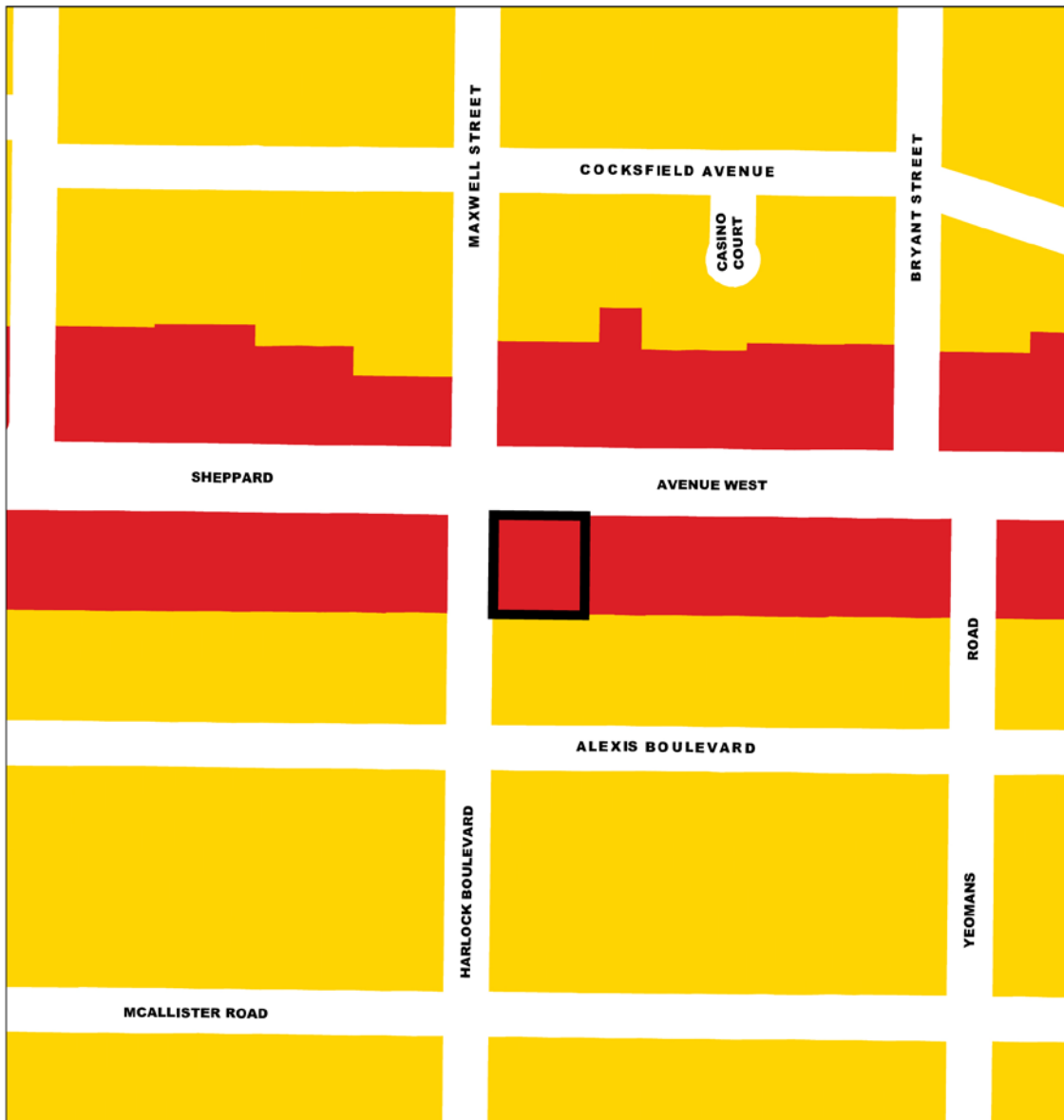
Tel. No. (416) 395-7124

E-mail: kelly.snow@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map #16

719 Sheppard Avenue West

File # 19 251291 NNY 06 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas


Not to Scale
Extracted: 10/28/2021

Attachment 4: Former City of North York Zoning By-law 7625



Zoning By-law 7625

719 Sheppard Avenue West

File # 19 251291 NNY 06 0Z



Location of Application

- 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*



Not to Scale
Extracted: 10/28/2021

Attachment 5: Draft Zoning By-law Amendment

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~
CITY OF TORONTO
Bill No. ~
BY-LAW No. --20~

To amend Zoning By-law No. 7625, as amended by Zoning By-law No. 338-2015,
to remove the holding symbol (H) with respect to the lands known municipally in the
year 2019 as 719 Sheppard Avenue West.

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 Council has provided notice of the intent to pass this By-law;

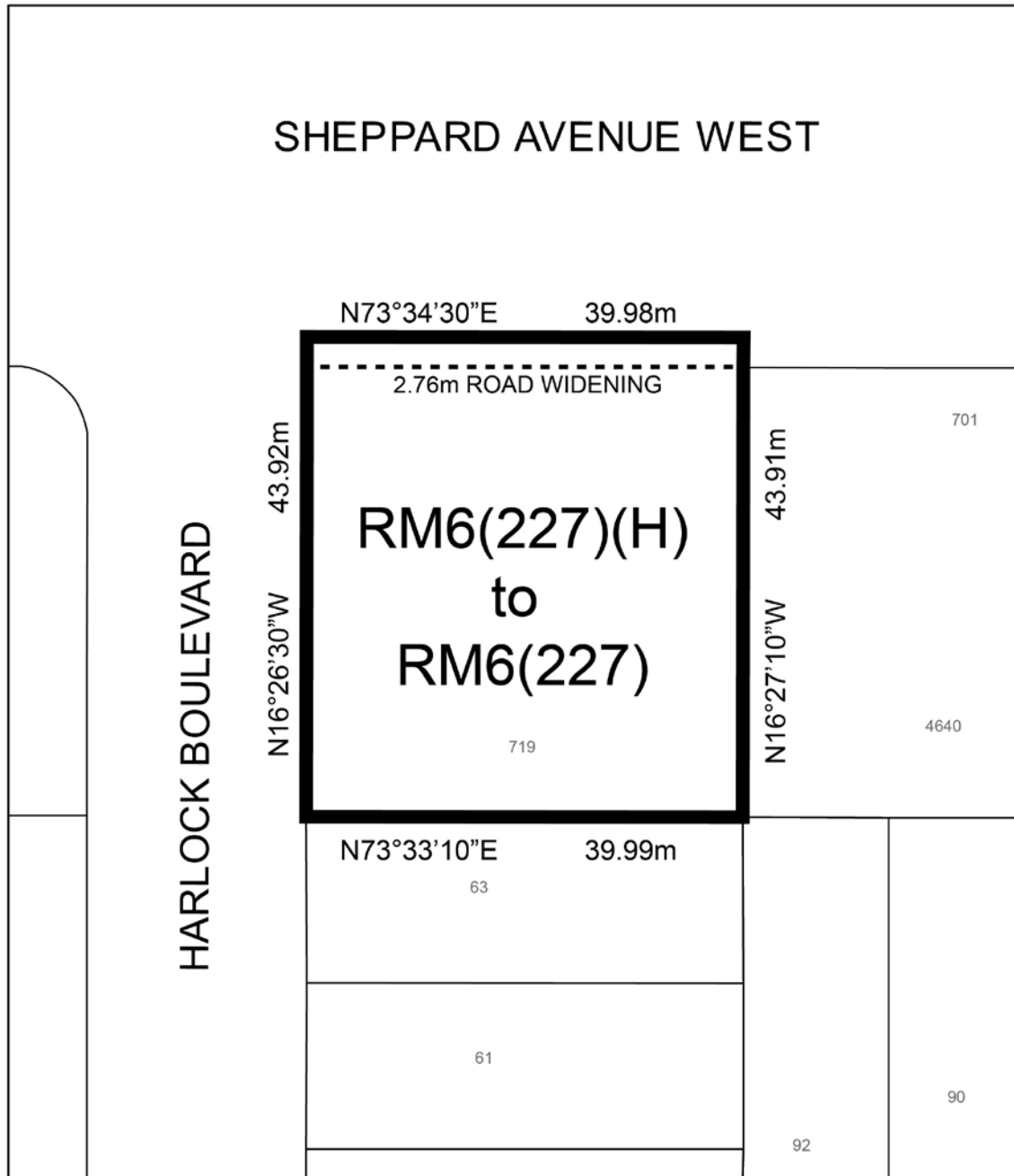
The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule '1' to Zoning By-law No. 338-2015 is amended by removing the holding
symbol (H) from the lands shown on the attached Schedule '1'.
2. Schedule 'RM6(227)(H)' to Zoning By-law No. 338-2015 is amended by removing
the holding symbol (H) from the lands shown on the attached Schedule 'RM6(227)'.

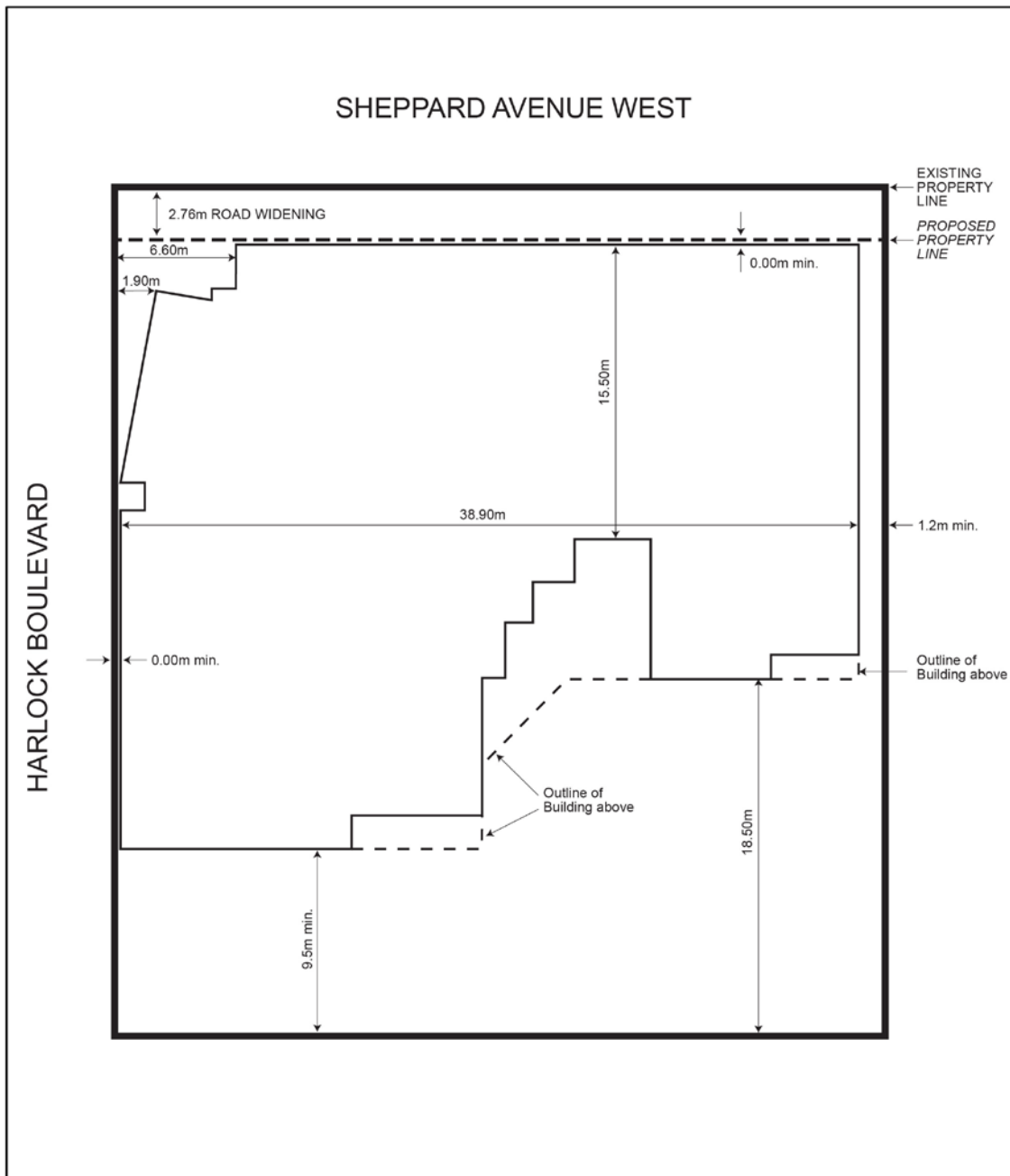
ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

JOHN TORY, ULLI S. WATKISS
Mayor City Clerk

(Corporate Seal)



SCHEDULE 'RM6(227)'

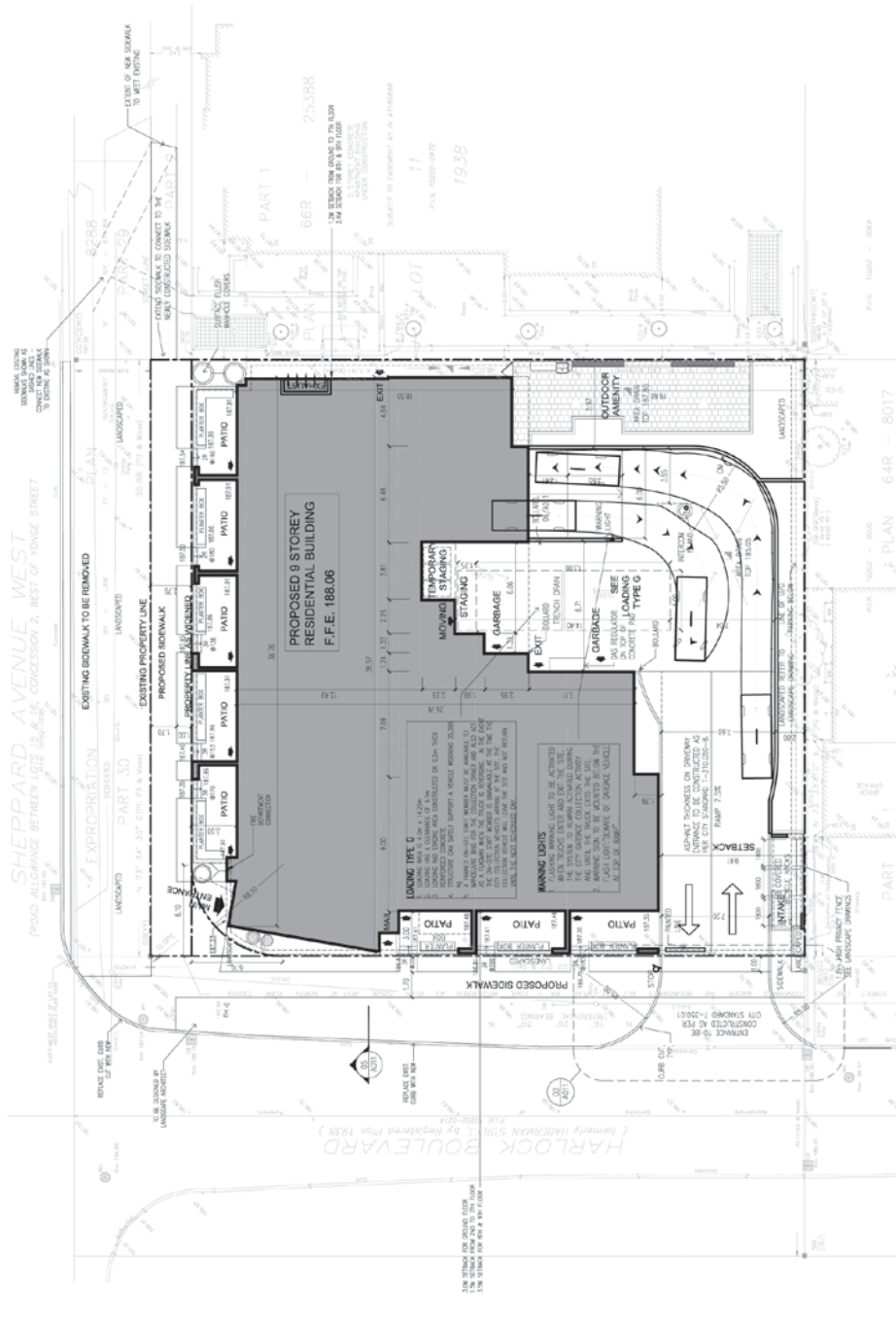


 **TORONTO**
Schedule RM6(227)

719 Sheppard Avenue West

File # 19 251291 NNY 06 0Z


Former City of North York By-law 7625
Not to Scale
10/28/2021



Site Plan

URBAN ENTRANCES
T-26001

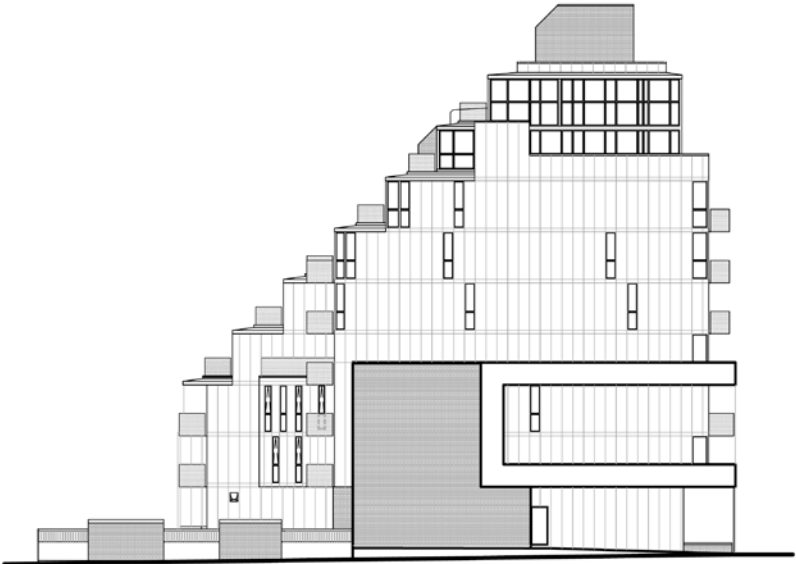
LET TURN
100' CLEARANCE
WITH LEFT TURN

ENTRANCE

Attachment 7a: North and East Elevations



North Elevation



East Elevation

Attachment 7b: South and West Elevations



South Elevation



West Elevation