

**5131 Sheppard Ave E – Zoning By-law Amendment:  
Removal of the Holding Provision (H) – Final Report**

<b>Date:</b>	April 5, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Acting Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 42 – Scarborough-Rouge River
<b>Reference Number:</b>	16 123362 ESC 42 OZ

**SUMMARY**

This application proposes the removal of the Holding Provision (H) for the lands at 5131 Sheppard Avenue East to permit the redevelopment of the lands.

Exception No. 4 of Schedule C to the Malvern Community Zoning By-law No.14402 provides that the 'H' shall be removed at such a time as a conceptual site plan, and servicing and transportation issues have been satisfactorily addressed to accommodate the proposed development, in respect to transportation matters. These conditions have now been satisfied.

This report reviews and recommends approval of the application to amend the Zoning By-law by removing the holding symbol from the subject lands.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law No. 14402 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report dated April 5, 2016.



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 recommendations in this report have no financial impact.

### **DECISION HISTORY**

In 1994, the former City of Scarborough Council approved a Zoning By-law Amendment to By-law Number 14402, the Malvern Community By-law, for the development of the lands, and at the same time established a holding provision by way of Exception Number 4. The holding provision was intended to ensure the integration of a rapid transit station at Sheppard Avenue East and Markham Road as part of the extension of the Scarborough Rapid Transit Line (SRT) with a future commercial/residential development.

The lands were subsequently purchased by the former Municipality of Metropolitan Toronto in 1996 for the purposes of transit development along the Sheppard Avenue East corridor.

At its meeting of November 29, 30 and December 1, 2011, Toronto City Council declared the subject property surplus to the City's needs with the intended method of disposal by way of a transfer to Build Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM9.10>

At its meeting of July 16, 17, 18 and 19, 2013, Toronto City Council authorized the City to enter into an agreement to transfer a stratified portion of the lands to Build Toronto, subject to specific terms and conditions. To date, the lands remain in the City's ownership and will be transferred in title to Build Toronto at a future date.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM23.8>

### **ISSUE BACKGROUND**

#### **Proposal**

While no formal development proposal has been filed with the City, Build Toronto has submitted a conceptual site plan as a requirement of this application. Build Toronto is seeking to sell the subject site to a developer to collaborate in a residential development, with the future potential for retail/commercial uses, as set out in the current planning regulations for the site. As a component of the proposed development, 30% of the residential units will be affordable. The conceptual site plan illustrates 310 dwelling units in three blocks of six-storey wood frame mid-rise buildings (214 units) and four blocks of three-storey stacked townhouses (96 units), all to be within a standard condominium. Vehicular access proposed at two locations off of Orchid Place Drive leading to an internal private road network with a right-of-way width of 6.0 metres. One level of below-grade parking (384 spaces) and 21 surface parking spaces are proposed.

## Site and Surrounding Area

The subject lands are located in the south-east quadrant of Sheppard Avenue East and Markham Road, with a site area of approximately 14,445 square metres (1.44 ha). The L-shaped lands have frontage on three roads:

North: 123 metres on Sheppard Avenue East;  
South: 176 metres on Orchid Place Drive; and  
West: 30 metres on Markham Road.

Stops on the future Sheppard East LRT line are proposed on Sheppard Avenue East at Markham Road and Progress Avenue.

Surrounding land uses include:

North: across Sheppard Avenue East are commercial and residential uses;  
South: across Orchid Place are a mix of residential and commercial/office uses;  
East: a residential townhouse development under construction (1088 Progress Ave);  
West: a gas station and commercial uses at the southwest corner of Markham Road and Sheppard Avenue East, and a commercial plaza on the west side of Markham Road.

## 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 *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The subject property is designated *Mixed Use Areas* in the Official Plan, Map 22 – Land Use 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 subject site (Block 1) is part of a larger Plan of Subdivision which was registered in 1996 (66M-2300). The subdivision lands are subject to Site and Area Specific Policy

(SASP) 117, which establishes limits on the maximum density and number of units within the area, provides for future rapid transit stations, encourages a variety of building heights, established a maximum building height, and provides conditions in establishing recreational, cultural facilities and offices.

## **Zoning**

The lands are zoned Office Uses (OU) and Apartment Residential (A) and subject to a holding ('H') provision (Exception No. 4), within the Malvern Community Zoning By-law No. 14402, as amended. City-wide Zoning By-law 569-2013, as amended, zones the site Commercial Residential (CR), SS3 and subject to Exception 487. Site specific provisions include: maximum 357 dwelling units; maximum 13,955 square metres of office space; 2,322 square metres of retail space; a maximum building height of 12-storeys for a building within 30 metres of Markham Road and 18-storeys for the rest of the site; and a minimum of 1.0 square metre of enclosed recreational floor space per dwelling unit. Refer to Attachment 2: Zoning Map.

## **Site Plan Control**

The lands are subject to site plan control. While a conceptual site plan has been submitted, a formal site plan control application has not yet been filed. Planning staff have provided Build Toronto with preliminary feedback on their conceptual site plan, comments included:

- Orientation of buildings to ensure visibility through the site and to main entrances of all units from the public street;
- Conformity with DIPS;
- Meaningful pedestrian connections through the site;
- Reduction of surface parking spaces;
- Parking garage ramp, garbage collection and loading areas to be incorporated within building massing;
- Appropriate location and programming of amenity area(s) in relation to proposed long-term care facility and over all site;
- Garbage storage rooms to be located in underground parking garage;
- Appropriately located and sized landscape areas, including landscape buffer to screen the gas station; and
- Conformity with TGS requirements.

Refer to Attachment 1: Conceptual Site Plan.

## **Reasons for Application**

The purpose of this application is to remove the Holding Provision ('H') to facilitate the future development of the lands.

## **Community Consultation**

Community consultation was not required for the proposed application to remove the holding provision.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in determining whether the conditions for removal of the 'H' have been satisfactorily addressed.

## **COMMENTS**

The Zoning By-law states that the Holding Provision shall be removed at such a time as a conceptual site plan, and servicing and transportation issues have been satisfactorily addressed to accommodate the proposed development, in respect to transportation matters. Build Toronto has submitted a conceptual site plan. The proposed SRT Extension is no longer contemplated by the City, the lands were declared surplus by Council, the site is not required for future transit development purposes and all transportation matters have been addressed. This report recommends that the 'H' be removed as the conditions for removal have now been satisfied.

## **CONTACT**

Kelly Dynes, Senior Planner  
Tel. No. 416-396-4250  
Fax No. 416-396-4265  
E-mail: kdynes@toronto.ca

## **SIGNATURE**

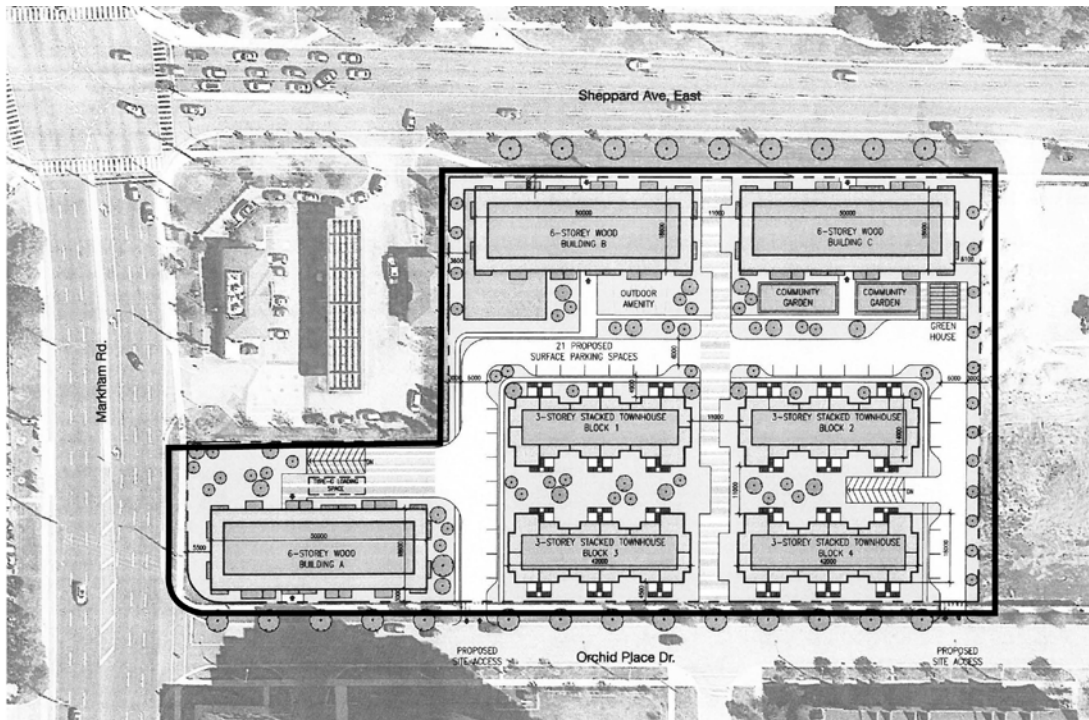
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Paul Zuliani, Acting Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Conceptual Site Plan  
Attachment 2: Zoning Map  
Attachment 3: Application Data Sheet  
Attachment 4: Draft Zoning By-law Amendment

# Attachment 1: Conceptual Site Plan



## Site Plan

Applicant's Submitted Drawing

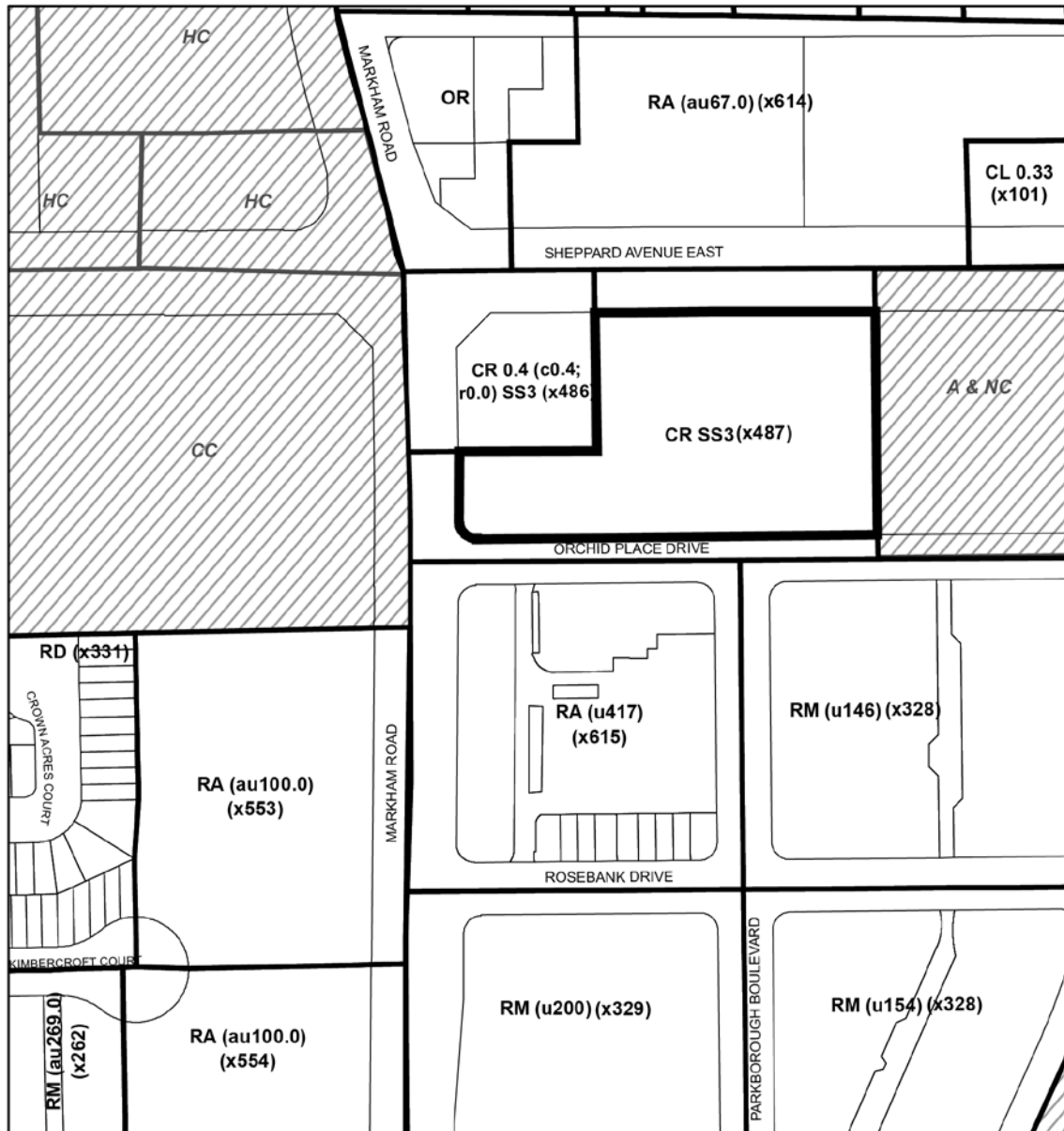
Not to Scale  
3/18/16



5131 Sheppard Avenue

File # 16 123362 ESC 42 0Z

## Attachment 2: Zoning Map



**Zoning By-Law No. 569-2013**

**5131 Sheppard Avenue East**

**File # 16 123362 ESC 42 02**

Location of Application

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| <b>RD</b> Residential Detached      | <b>RA</b> Residential Apartment  |
| <b>RS</b> Residential Semi-Detached | <b>CL</b> Commercial Local       |
| <b>RT</b> Residential Townhouse     | <b>CR</b> Commercial Residential |
| <b>RM</b> Residential Multiple      | <b>OR</b> Open Space Recreation  |

See Former City of Scarborough Malvern Community By-Law No. 14402 and Former City of Scarborough Malvern West Community By-Law No. 12181

- |  |
|--|
| <b>A &amp; NC</b> Apartment Residential and Neighbourhood Commercial |
| <b>CC</b> Community Commercial                                       |

See Former City of Scarborough Employment District By-Law No. 24982

**HC** Highway Commercial Zone

Not to Scale  
Extracted: 03/17/2016

### Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	16 123362 ESC 42 OZ
Details	Rezoning, Removing the Hold	Application Date:	March 3, 2016

Municipal Address: 5131 SHEPPARD AVE E  
 Location Description: PLAN 66M2300 BLK 1 \*\*GRID E4210  
 Project Description: Proposal to remove the holding provision to facilitate future development

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BUILD TORONTO INC			HUMAN RESOURCE SERVICES

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 117
Zoning:	Office Use (OU) and Apartment Residential (A)	Historical Status:	n/a
Height Limit (m):	37 m for a building fronting Markham Rd; and 56 m elsewhere on the site	Site Plan Control Area:	yes

#### PROJECT INFORMATION

Site Area (sq. m):	14445	Height:	Storeys:	3 and 6 storey buildings
Frontage (m):	123 on Sheppard Ave E		Metres:	11.5 and 21, respectively
Depth (m):	98.3			
Total Ground Floor Area (sq. m):	5128			<b>Total</b>
Total Residential GFA (sq. m):	23869		Parking Spaces:	405
Total Non-Residential GFA (sq. m):	0		Loading Docks	n/a
Total GFA (sq. m):	23869			
Lot Coverage Ratio (%):	35			
Floor Space Index:	1.6			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold/Condominium		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	23869	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	164	Office GFA (sq. m):	0	0
2 Bedroom:	105	Industrial GFA (sq. m):	0	0
3 + Bedroom:	28	Institutional/Other GFA (sq. m):	0	0
Total Units:	297			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kelly Dynes, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-396-4250</b>



**Attachment 4: 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 Malvern Community Zoning By-law No. 14402, as amended,  
to remove the holding symbol (H)  
with respect to the lands known municipally in the year 2016 as  
5131 Sheppard Avenue East**

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 "A"** is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1' so that the amended zoning shall read as follows:

OU and A – 132-404-427-432-517-536-537-538

2. **Schedule "C" EXCEPTIONS LIST**, Exception No. 4 is amended as follows:

Additional Permitted Uses

Retail Stores

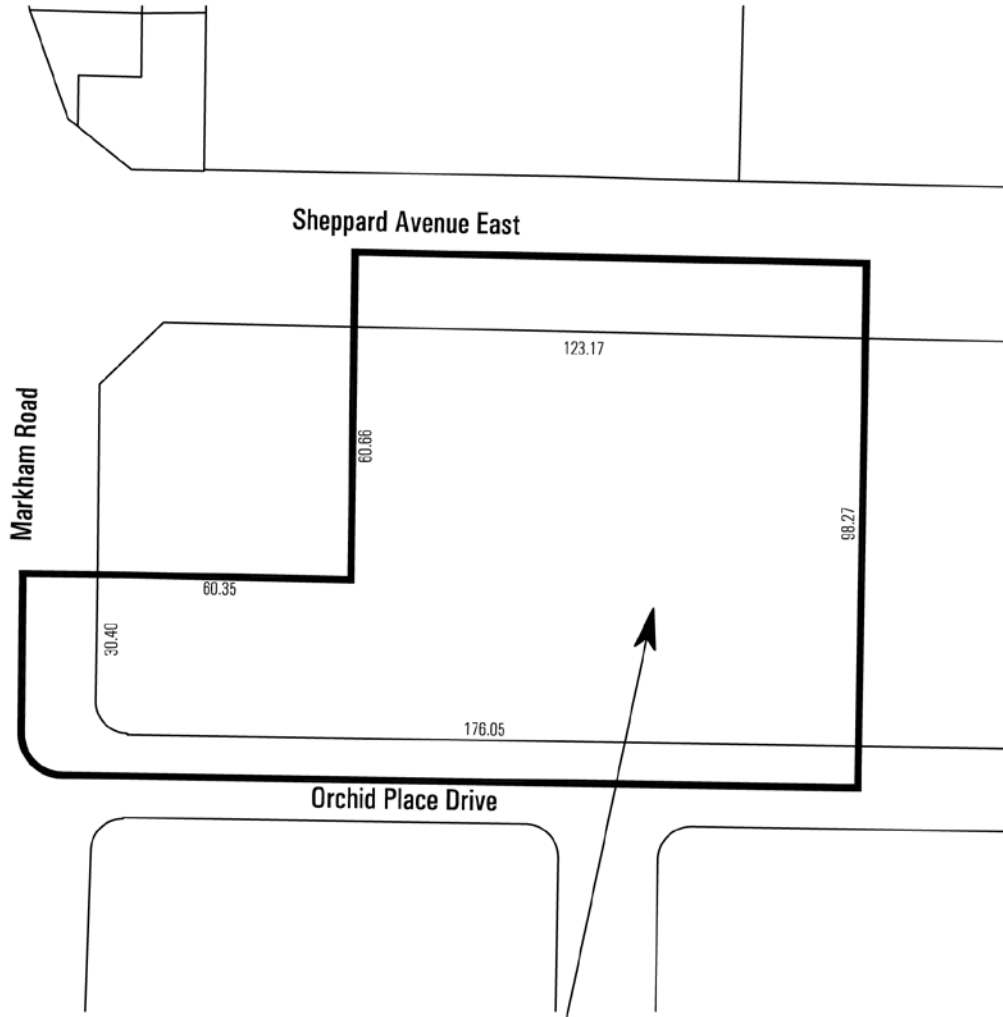
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# Schedule '1'



**OU and A-132-404-427**  
**-432-517-536-537-538**

**Toronto** City Planning  
Division  
**Zoning By-Law Amendment**

5131 Sheppard Avenue East  
File # 16 123362 ESC 42 OZ

 Area Affected By This By-Law

Malvern Community Bylaw  
Not to Scale  
3/18/16  
