

**625 to 627 Sheppard Avenue East, 6 to 12 Greenbriar Road, 1001 Sheppard Avenue East, 1200 to 1220 Sheppard Avenue East, 35 McMahon Drive, and 40 Esther Shiner Boulevard – City-Initiated Zoning By-law Amendment - Holding (H) Symbol By-law – Supplementary Report**

Date: October 1, 2021

To: City Council

From: Chief Planner and Executive Director, City Planning and Chief Engineer and Executive Director, Engineering and Construction Services

Ward: 17 - Don Valley North

**Planning Application Number:** 19 254260 NNY 17 OZ

## **SUMMARY**

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This report provides an update to City Council on the status of upgrades to the sanitary sewers servicing properties along the Sheppard Avenue East corridor and new information about acceptable alternative solutions to address the outstanding municipal sanitary sewer capacity issues, which has been received by staff since the statutory public meeting held on June 23, 2021, for the Zoning By-law Amendment. The purpose of this supplementary report is also to amend the previous recommendations of the Final Report dated May 28, 2021, and replace those with the recommendations provided below.

## **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services recommends that:

1. City Council delete North York Community Council's Recommendations 1 and 2 and replace them with the following recommendation:
  1. City Council amend Zoning By-law 7625, as amended, for the lands at 1001 Sheppard Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this Supplementary Report.

2. City Council determine that the revisions reflected in the proposed Zoning By-law Amendment appended to this Supplementary Report as Attachment No. 1 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 Amendment.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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At its meeting on July 14 and 15, 2021, City Council deferred consideration of this item until the October 1 and October 4, 2021 meeting of City Council. The decision and Final Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY25.1>

## **COMMENTS**

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### **General Update**

Following the June 23, 2021 North York Community Council meeting, City Staff have taken steps to advance the planned capital work to increase the capacity of the sanitary sewers servicing the affected properties in the long term. A contract has been awarded in respect of this upgrade work, which provides that the upgrades are to be substantially completed by July 29, 2022. The City has also been in contact with the owners of the affected properties to discuss site specific alternative solutions in lieu of holding provisions for these lands. As part of these discussions, the timeframes for occupancy for the subject developments have been further defined. The earliest occupancy for the various sites required by the site Owners ranges from mid 2023 to mid 2025. In addition, staff from Engineering and Construction Services and Toronto Water, together with the affected property owners and their consultants, have and continue to work collaboratively to establish site specific alternative solutions to address any capacity issues in the short term, which would allow development to continue on an interim basis until the required sewer upgrades have been constructed.

The proposed alternative solutions that the City and the affected property owners will have to implement are mainly for the interim (short-term) discharge of construction dewatering flows as this is of a critical nature for the initial phases of underground parking construction. The alternative solutions generally range from the use of existing servicing infrastructure that bypasses the Sheppard Avenue East sanitary sewer system via a direct connection into the East Don Trunk sewer, to the implementation of on-site storage of construction dewatering flows in combination with discharge into the sanitary sewer system restricted to time periods when capacity is available (mainly during off-peak hours and during dry weather conditions).

## **Update on Design, Tendering and Construction of Sanitary Servicing Infrastructure**

The sanitary sewer upgrade work is part of a larger multi-phased East Don River project in the East Don Parkland to replace and install sewer connections, remove an existing concrete weir, stabilize the river, install an underground storage tank and pumping station, and also construct a new public washroom building.

Phase 1 of the project, which includes construction of the 675mm sanitary sewer upgrade work, has been successfully tendered (closed on July 21, 2021). The contract was awarded to the lowest bidder (Drainstar Contracting Ltd.) via Bid Award Panel on August 18, 2021 and a construction notice for the project was mailed out to local residents and stakeholder groups. An Order to Commence work notice was issued on September 15, 2021. The contract agreement includes a contractually required Substantial Completion date of July 29, 2022 for the 675mm sanitary sewer upgrades to be put into service.

## **Update on Sanitary Sewer Capacity Assessment**

The City has completed a sanitary sewer capacity assessment for the Sheppard Avenue East corridor with focus on the capacity, limitations and risks of the municipal sanitary sewer system. The assessment concluded that limited capacity does exist in the system, mainly during off-peak hours during dry weather. As such, there exists some opportunity for discharge to the sanitary sewer system provided that the peak flow and timing of the discharge is managed diligently, which is the subject of discussion in one of the below Site Specific Alternative Solutions.

## **Site Specific Alternative Solutions**

### ***625 to 627 Sheppard Avenue East, 6 to 12 Greenbriar Road***

An updated Functional Servicing & Stormwater Management Report (FSR) for the proposed development has been submitted to City Planning to document that groundwater from dewatering during excavation and construction will be discharged to the municipal storm sewer on Greenbriar Road. The long-term discharge (foundation drainage for the building) is proposed to outlet into the Sheppard Avenue East sanitary sewer system. The Owner for this development has committed that they will not discharge into the municipal sanitary sewer system until such time that the 675mm sanitary sewer upgrades are constructed and operational. The FSR is under review as part of the active Site Plan Application for the proposed development while the short-term and long-term groundwater discharge proposals will require discharge agreements with Toronto Water, Environmental Monitoring & Protection Unit.

### ***35 McMahon Drive (Block 11) and 40 Esther Shiner Boulevard (Block 15)***

A Construction Dewatering Discharge Analysis Report for Blocks 11 & 15, 66M-2518 has been submitted to the City and been deemed acceptable by Engineering and Construction Services in principle. The report outlines a proposal for the implementation of on-site storage of construction dewatering flows in combination with discharge that will outlet into the Sheppard Avenue East sanitary sewer system restricted to time

periods when capacity is available (mainly during off-peak hours and during dry weather conditions). Level monitoring devices will be installed at critical downstream locations within the sanitary sewer system to monitor the system capacity and transmit real-time signals to the on-site valves controlling the construction dewatering flows. Once the downstream system capacity is reached, the construction dewatering is diverted to the on-site storage. The proposal also includes a Contingency Plan which includes hauling groundwater off-site via a Ministry of Environment, Conservation, and Parks licensed hauler. The Construction Dewatering Discharge Analysis Report will form the basis for the required short-term discharge agreements with Toronto Water, Environmental Monitoring & Protection Unit for Blocks 11 & 15.

### ***1200 to 1220 Sheppard Avenue East***

Two existing commercial buildings located on this property are currently serviced by an existing sanitary service connection that directly connects into the East Don Trunk sewer. The Owner for this development has proposed to use this existing sanitary service connection to discharge groundwater in the short-term (construction dewatering) until the 675mm sanitary sewer upgrades are constructed and operational. As part of this development, the Owner is also to construct a new public road complete with municipal infrastructure that includes a new sanitary sewer to connect to the upgraded sanitary sewer on Sheppard Avenue East. Once this work is constructed and operational, the existing sanitary service connection that directly connects to the East Don Trunk sewer will be decommissioned. Details of the design are being finalized and specific conditions will be included in the future Subdivision Agreement for this development. Once the short-term construction dewatering proposal is accepted by Engineering and Construction Services and Toronto Water, the Owner will be required to enter a short-term discharge agreement with Toronto Water, Environmental Monitoring & Protection Unit.

### **Implementation of the Holding Provision**

Staff continue to recommend the holding provision be implemented for the property at 1001 Sheppard Avenue East (Block 7 on 66M-2518). Due to the forecasted timing of development for this property, no site specific solution was investigated by the Owner. A site plan application was formally submitted for the property on December 27, 2019 (File No. 19 265056 NNY 17 SA) and is currently under review by staff. The occupancy for the buildings on the property are projected to be well beyond the contractually required Substantial Completion date of July 29, 2022 for the 675mm sanitary sewer to be put into service.

A holding provision is also recommended to be implemented for any other future site-specific Zoning By-law Amendment applications within the sewershed, due to the present servicing capacity constraints, and should remain until such time that the sanitary sewer upgrades have been constructed and are operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

## **Conclusion**

The original City initiated Zoning By-law Amendment was to impose a Holding provision for a number of properties along the Sheppard Avenue East corridor due to outstanding sanitary sewer capacity issues. Acceptable solutions for the sanitary sewer capacity issues have been identified for the lands at 625 to 627 Sheppard Avenue East and 6 to 12 Greenbriar Road, 1200 to 1220 Sheppard Avenue East, 35 McMahon Drive, and 40 Esther Shiner Boulevard. Additionally, the construction contract for the downstream sanitary sewer upgrades within the East Don Parkland has been awarded with a contractually required Substantial Completion date of July 29, 2022 for the 675mm sanitary sewer to be put into service. As such, the Chief Engineer and Executive Director of Engineering and Construction Services and the General Manager, Toronto Water are satisfied that the works will be completed before occupancy of these projects and is, therefore, satisfied that the holding provisions are no longer required for those lands.

The removal of the lands at 625 to 627 Sheppard Avenue East and 6 to 12 Greenbriar Road, 1200 to 1220 Sheppard Avenue East, 35 McMahon Drive, and 40 Esther Shiner Boulevard from the Zoning By-law Amendment does not alter the planning analysis or conclusions of the Final Report dated May 28, 2021.

Staff are of the opinion that the proposed City-initiated Zoning By-law Amendment to impose a Holding Provision for the lands at 1001 Sheppard Avenue East, continues to be consistent with the PPS (2020), conforms and does not conflict with the Growth Plan (2020), conforms with the Toronto Official Plan, and the Sheppard East Subway Corridor Secondary Plan. Furthermore, the implementation of the holding provision allows for development to continue to be approved within the sanitary sewershed, but allows the City to upgrade its sanitary sewer infrastructure prior to any new development connecting to the at-capacity municipal infrastructure.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, Chief Planner and Executive Director  
Community Planning

Michael D'Andrea, Chief Engineer and Executive Director  
Engineering and Construction Services

## **ATTACHMENTS**

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

Attachment 1: Draft Zoning By-law Amendment 7625

## Attachment 1: Draft Zoning By-law Amendment 7625

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2021  
Enacted by Council: ~, 2021

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2021 To amend the North York Zoning By-law No.7625, as amended, with respect to the lands municipally known in the year 2021 as 1001 Sheppard Avenue East

WHEREAS authority is given to Council by 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;

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; and

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

Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule 1 of this By-law.

Section 64.20-A(208) of By-law No. 7625 is amended by adding the following subsections:

"64.20-A (208) RM6 (208)A (H)

### HOLDING PROVISIONS

(a) The lands shown on Schedule "1", shall not be used for any purpose other than those uses and buildings that currently exist on the site, and any new uses or buildings where the use or construction of which will increase sanitary or private water or groundwater flows to municipal sewers, unless the municipal services are provided to the lot line and either of the following provisions are complied with:

i) the Sanitary Sewer Upgrades (being the upgrade of the last three 300mmØ sanitary sewer legs upstream of the sanitary trunk sewer to 675mmØ, located at the north-west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto under the Design & Construction, Major

Infrastructure Unit, Don & Central Waterfront District in the Engineering & Construction Services Division under project # SAP2020-GL-EASTDON-001, have been completely constructed and are operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; or

ii) in respect of individual parcels of land, the owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such acceptable solution has been implemented by the owner(s) at their sole cost to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water."

ENACTED AND PASSED this ~ day of ~, A.D. 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of City)



