

# **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 - Final Report**

Date: May 28, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District and Director, Design and Construction, Engineering and Construction Services

Wards: Ward 17 - Don Valley North

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

## **SUMMARY**

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This report proposes to impose a holding provision on the lands at 625 to 627 Sheppard Avenue East and 6 to 12 Greenbriar Road, 1001 Sheppard Avenue East, 1200 to 1220 Sheppard Avenue East, 35 McMahon Drive, and 40 Esther Shiner Boulevard.

Through the ongoing review of the Sheppard Avenue East Planning Review study area, approved developments and current applications that have been submitted, it has been determined that the existing municipal sanitary sewer system is currently at capacity. As such, the subject properties shall not be used for any purpose other than those uses and buildings that currently exist on the site. Any new uses or buildings, where the construction of which will increase sanitary or private water, or groundwater flows to municipal sanitary sewers, will not be permitted until such time that the holding provision has been removed.

The proposed amendment to place a holding provision on the lands subject of the bylaw is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and also conforms to the City's Official Plan, including the Sheppard East Subway Corridor Secondary Plan.

This report reviews and recommends approval of the City-initiated application to amend the Zoning By-laws of the subject lands, to add a holding provision on the subject lands to limit any new development until such time as an acceptable sanitary system solution

has been implemented to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## **RECOMMENDATIONS**

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The City Planning Division and Engineering and Construction Services recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 625 to 627 Sheppard Avenue East and 6, 8, 10 and 12 Greenbriar Road, 1001 Sheppard Avenue East, 1200, 1210 and 1220 Sheppard Avenue East, 35 McMahon Drive, 40 Esther Shiner Boulevard substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3 to this report.
2. City Council amend Zoning By-law 7625, as amended, for the lands at 625 to 627 Sheppard Avenue East and 6, 8, 10 and 12 Greenbriar Road, 1001 Sheppard Avenue East, 1200, 1210 and 1220 Sheppard Avenue East, 35 McMahon Drive, 40 Esther Shiner Boulevard substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to this report.
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.
4. City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services to ensure that any site-specific Zoning By-law Amendment application within the sewershed impacted by the sanitary sewer upgrades that are recommended to City Council for approval or consideration contains provisions for a Holding (H) by-law pursuant to Section 36 of the *Planning Act* related to the sanitary sewer upgrades in the Sheppard Avenue East corridor area, until such a time as the Holding (H) By-law is removed on all lands subject of the above amendments.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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### **History of Sheppard Avenue East Planning Review**

On March 1, 2021, North York Community Council directed City Planning Staff to provide a Status Report on the Sheppard Avenue East Planning Review to North York Community Council.

The decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.26>

On June 26, 2018, City Council directed City Planning staff to review the existing policies contained within the Sheppard East Subway Corridor Secondary Plan and the associated Bessarion-Leslie Context Plan for the lands located to the north and south of Sheppard Avenue East between the east side of Bayview Avenue and the east side of Leslie Street.

The decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY31.8>

### **History of Previous Development Approvals on the Subject Lands 625 - 627 Sheppard Avenue East and 6 to 12 Greenbriar Road**

An Official Plan and Zoning By-law amendment application was submitted for the lands at 625 to 627 Sheppard Avenue East and 6 to 12 Greenbriar Road on February 19, 2016. On May 10, 2016 North York Community Council deferred consideration of the Preliminary Report on the application. North York Community Council requested a report from Urban Forestry on whether any trees on the property have been damaged and/or whether they have been protected, and requested Municipal Licensing and Standards to report on whether there are any outstanding property standards issues. The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-92463.pdf>

At its meeting of June 14, 2016 North York Community Council adopted the Preliminary Report and directed City Planning to schedule a community meeting together with the Ward Councillor, and that the applicant be required to resolve any outstanding issues of compliance with City by-laws, to be reviewed by City staff prior to scheduling the meeting. The following report concerning property standards at the subject address was also considered at the June 14, 2016 North York Community Council meeting:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-93823.pdf>

At its meeting of June 14, 2016 North York Community Council considered the following report concerning tree protection for 625-627 Sheppard Avenue East and 6, 8 and 10 Greenbriar Road:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile94071.pdf>

The applicant appealed the Official Plan amendment and rezoning application to the Ontario Municipal Board ("OMB", now known as the Local Planning Appeals Tribunal, or "LPAT") on October 28, 2016 and referred the site plan application to the OMB on February 16, 2017. A pre-hearing conference was held on May 8, 2017. The full hearing was held on February 20, 2018 by the LPAT. The LPAT approved the application and a decision was issued on January 23, 2019:

<https://www.omb.gov.on.ca/e-decisions/pl161113-Jan-23-2019.pdf>

The site plan application (file no. 16 245137 NNY 24 SA) for the site was cancelled by the applicant in April 2020, in order to submit a new revised application. The subsequent site plan application was submitted on November 2, 2020 (file no. 20 213954 NNY 17 SA). The new site plan application is currently under review by staff. The application submission materials can be reviewed at:

<http://app.toronto.ca/AIC/index.do?folderRsn=tGsEpVz0WC7Gh8n1SV8XSg%3D%3D>

### **1001-1019 Sheppard Avenue East**

On July 23, 2010, Concord Adex filed applications to amend the Official Plan, Zoning By-law and draft plan of subdivision for the subject site. A Preliminary Report was considered by North York Community Council on January 18, 2011 and was adopted without amendments. The Preliminary Report is available at:

<https://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-34504.pdf>

In November 2011 the applicant appealed to the OMB based on Council's failure to make a decision within the time prescribed by the *Planning Act*. A pre-hearing conference was held on April 11, 2012 which set a hearing date for September 4, 2012. The City and Concord Adex continued to work to resolve outstanding issues which included building heights, family sized units, additional Section 37 contributions and minor zoning matters. Considerable progress on the issues was made and a Directions Report dated May 28, 2012 identified the outstanding matters which remained. The City and Concord Adex reached a settlement which was contained in a report from Legal Services to City Council at its meeting of July 12, 2012.

At that time, the Toronto Catholic District School Board indicated that they now required a school site, despite not having provided written comments in response to the City circulation of the Concord application. At a second pre-hearing conference held on July 16, 2012, the Toronto Catholic District School Board asked for and was granted party status on its request for a site. The Toronto District School Board was also granted party status for its issues related to conditions on the sale of the school reserve site.

A Request for Directions Report was adopted by City Council of July 11, 2012: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY17.47&hasOpener=yes>. And a subsequent Request for Directions Report was adopted by Council on November 27, 2012, which adopted the recommendations: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.M M28.26>

The OMB issued an Order/Decision on March 8, 2013 to approve the applications. Those approvals include the lands at 1001 Sheppard Avenue East (Block 7), 40 Esther Shiner Boulevard (Block 15) and 35 McMahon Drive (Block 11)

### **35 McMahon Drive**

A site plan application for Block 11, 35 McMahon Drive was submitted on November 30, 2018 (File no. 18 263017 NNY 24 SA). Notice of Approval conditions were issued on February 7, 2021, however, final Site Plan approval has not been issued. A conditional foundation permit has been issued for the site by Toronto Building and construction has begun. The application submission materials can be reviewed at:

<http://app.toronto.ca/AIC/index.do?folderRsn=bery6%2FbWivyfU3se1SVKCw%3D%3D>

### **40 Esther Shiner Boulevard**

A site plan application for Block 15, 40 Esther Shiner Boulevard was submitted May 17, 2019 (File no. 19 155827 NNY 17 SA). The site plan application is currently under review by staff. The application submission materials can be reviewed at:

<http://app.toronto.ca/AIC/index.do?folderRsn=FtYnljatXvplmr1NwOJExg%3D%3D>

### **1001 Sheppard Avenue East**

A site plan application for Block 7, 1001 Sheppard Avenue East was submitted on December 27, 2019 (File no. 19 265056 NNY 17 SA). The site plan application is currently under review by staff. The application submission materials can be reviewed at: <http://app.toronto.ca/AIC/index.do?folderRsn=Sp6YE4fabMTK43B0G%2FM80g%3D%3D>

### **1200, 1210 and 1220 Sheppard Avenue East**

An application to amend the Official Plan and Zoning By-law was submitted for a development proposal located at 1200, 1210 and 1220 Sheppard Avenue East on December 30, 2011. At its meeting of June 8, 2012 City Council refused an application to amend the Official Plan and Zoning By-law. Decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY16.24>

The applicant appealed to the OMB. At a pre-hearing on November 22, 2012 the applicant presented a revised proposal. A status report was prepared by staff and was adopted by City Council on May 7, 2013, which can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY23.33> A second pre-hearing was held on May 9, 2013. The OMB approved the application on November 20, 2013 (file no. PL 120751 and PL 120752).

A draft plan of subdivision application was submitted on August 20, 2019 (File no. 19 208996 NNY 17 SB). The application is currently under review by staff. The application submission materials can be viewed at:

<http://app.toronto.ca/AIC/index.do?folderRsn=GgtmVdqK0IWxvAieP1qDvw%3D%3D>

A site plan application was submitted on October 21, 2019 (File no. 19 238841 NNY 17 SA). The application is currently under review by staff. The application submission materials can be viewed at:

<http://app.toronto.ca/AIC/index.do?folderRsn=qUPZFKpLn6xHPDX0bhmVTQ%3D%3D>

## REPORT BACKGROUND

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### Agency Circulation Outcomes

The Sheppard Avenue East Planning Review has been initiated by all appropriate City Divisions. Responses received from that review have been used to assist to formulate appropriate Zoning By-law amendments proposed in this report.

### Statutory Public Meeting Comments

In making their decision with regard to this report, City Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this report, as these submissions are broadcast live over the internet.

## LEGISLATIVE AND POLICY CONSIDERATIONS

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### Section 2 of the Planning Act

The *Planning Act* governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, Section 2 of the *Planning Act* requires that municipalities, when carrying out their responsibility under this Act shall have regard to matters of provincial interest including the:

- Adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- Orderly development of safe and healthy communities;
- Resolution of planning conflicts involving public and private interests;
- Protection of public health and safety; and
- Appropriate location of growth and development.

These matters of provincial interest, to which all approval authorities shall have regard in carrying out their responsibilities under the *Planning Act*, are relevant to City Council's decision on the proposed zoning by-law amendments.

### 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.

## **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 sufficient provision of housing to meet changing needs including affordable housing;
- 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 interrelationships 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 planning matters 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."

## **Provincial 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 planning matters that are provided by Council shall also be consistent with the PPS and conform with Provincial 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;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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 planning matters that are provided by Council shall also conform with the Growth Plan (2020).

### **Toronto Official Plan**

This has been reviewed against the policies of the City of Toronto Official Plan as follows:



The City of Toronto Official Plan can be found here:

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

## **Chapter 2 - Shaping the City**

The Official plan sets out principles for steering growth and change, while protecting our neighbourhoods and green spaces for development pressures. Infrastructure is needed to provide clean water to everyone, to manage sewage and stormwater and treat it before it goes into the lake. Water and wastewater services are important foundations for growth in the City, as well as for maintaining the quality of life in all areas of the City. Section 2.2.5 discusses how the City's water, wastewater and stormwater management infrastructure will be maintained in order to support new development.

## **Chapter 5 - Implementation: Making Things Happen**

This chapter of the Official Plan outlines a variety of tools that the City can bring to bear to make things happen. Section 5.1.2 describes that the City 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.

## **Sheppard East Subway Corridor Secondary Plan (SESCSP)**

The Sheppard East Subway Corridor Secondary Plan was approved in 1999 in anticipation of the construction of the Sheppard Avenue (Line 4) Subway, which was completed in 2002. The land use policy context anticipates and encourages intensification along this segment of Sheppard Avenue East and this segment is identified as an Avenue on Map 2 – Urban Structure in the Official Plan.

The lands fronting this segment of Sheppard Avenue East, from east of Bayview Avenue to the east of Leslie Street contain lands designated *Apartment Neighbourhoods*, *Neighbourhoods*, *Parks and Open Space Areas* as well as *Mixed Use Areas* on Map 19 and in the Official Plan.

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, and includes policies and criteria to guide development. New development should comply with the development criteria in Mixed Use Areas as outlined in the Official Plan.

The Sheppard East Subway Corridor Secondary Plan identifies a number of Key Development Areas along this segment of Sheppard Avenue East and includes a number of objectives for directing growth in the study area, such as:

- supporting the goals and objectives of the Official Plan including the urban structure policies and the Neighbourhoods and Apartment Neighbourhoods policies which limit intensification in stable residential areas;
- key development areas are primarily designated as *Mixed Use Areas*;

- residential communities which are outside the areas appropriate for reurbanization in close proximity to the subway stations, are to be protected and enhanced as stable residential communities;
- development will be transit supportive with the highest densities generally located closes to the rapid transit stations, and to a lesser extent along arterial road frontages;
- development will be of a high quality urban design, and will create compatible transitions in height and scale between higher density mixed use areas and those existing designated stable residential areas which are to be protected and retained.

The Sheppard East Corridor Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9SheppardEast.pdf>

## COMMENTS

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### Planning Act, Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the proposed City-initiated Zoning By-law Amendments have adequate regard for matters of provincial interest set out in Section 2 of the *Planning Act*, are consistent with the PPS (2020), and conform and do not conflict with the Growth Plan (2020)

### Planning Act

In the opinion of staff, the proposed City-initiated Zoning By-law Amendments have regard to the matters of provincial interest under section 2 of the *Planning Act*. In particular, the proposed City-initiated Zoning By-law Amendments, through the use of the Holding (H) provision, consider the adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems; and the orderly development of safe and healthy communities. The proposed sanitary sewer upgrades and associated municipal works within the East Don Parkland represent a significant investment in public infrastructure to support current and future development. This pause in development will allow the City to bring this essential municipal infrastructure up to today's standard to meet the needs of an ever growing and expanding population and ensure development can proceed in an orderly manner.

As the broader context is experiencing growth and development, adequate municipal infrastructure is required to ensure that growth and development can continue within this area. Without such coordination or comprehensive planning, the contemplated growth and development may not be achieved and will impact the orderly development of safe and healthy communities. The City-initiated Zoning By-law Amendments have regard to the matters of provincial interest.

## **Provincial Policy Statement (2020)**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided and ensure that there is a sufficient infrastructure for planned uses.

Section 1.2.1 directs that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities including, managing and/or promoting growth and development that is integrated with infrastructure planning.

Section 1.6.1 requires that infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. When planning for infrastructure and public service facilities they shall be coordinated and integrated with land use planning and growth management so that they are financially viable over their life cycle and available to meet current and projected needs.

Section 1.6.6 directs that planning for sewage and water services shall be done in a manner to accommodate forecasted growth promoting efficient use and optimizing existing services, and that such systems be sustainable over time, integrating servicing and land use considerations at all stages of the planning process.

Section 2.2 directs that planning authorities shall protect, improve or restore the quality and quantity of water by: using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.

The analysis of the PPS is explained below in concert with related issues on the Growth Plan (2020). In the opinion of planning staff, the proposed City-initiated Zoning By-law Amendment is consistent with the PPS (2020).

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

The Growth Plan (2020) provides a strategic framework for managing growth in the Greater Golden Horseshoe in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

Section 2.2.2.3 directs that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas which will ensure lands are zoned and development is designed in a manner that

supports the achievement of complete communities and prioritizes planning and investment in infrastructure and public service facilities that will support intensification.

In Section 3, Infrastructure to Support Growth, well-planned infrastructure is essential to the viability of communities and critical to economic competitiveness, quality of life, and the delivery of public services. Section 3 of the Growth Plan (2020) provides a framework to guide and prioritize infrastructure planning and investment. Policies 3.2.1.1 and 3.2.1.2 state that "Infrastructure planning, land use planning, and infrastructure investment" must be coordinated and that "Planning for new or expanded infrastructure will occur in an integrated manner, including evaluation of long-range scenario-based land use planning and financial planning, supported by relevant studies".

Section 4.2.1, Water Resource Systems directs municipalities to ensure appropriate watershed planning is undertaken in a comprehensive, integrated and long term approach to the protection, enhancement and restoration of quality and quantity within a watershed.

The current municipal sanitary sewer infrastructure cannot meet the needs of the current approved (but not yet built) development nor projected the population growth on the lands within the corridor. In order to ensure that intensification in the area can be achieved and implemented in an orderly fashion, the PPS (2020) and the Growth Plan (2020) support the imposition of a Holding (H) Symbol by-law on such lands until such a time as the necessary municipal infrastructure is in place to support the current and projected needs for the area. In accordance with the PPS (2020) and the Growth Plan (2020), the City has prioritized the planning and expansion of new municipal infrastructure as described in this report. Once constructed and operational, the municipal infrastructure (being the sanitary sewer upgrade work) will address the current capacity constraints and will also provide some additional capacity. These municipal works will be required to be coordinated with existing and future development applications within the sewershed.

Staff have determined that the proposed City-initiated Zoning By-law Amendment is consistent with the PPS and conforms and does not conflict with the Growth Plan.

## **Land Use**

The land uses of subject lands contained within this report are for mixed use residential and commercial buildings, as well as fully residential buildings. Those land uses are not analysed in this report, as they have previously been reviewed against the Official Plan policies and Secondary Plan policies in their previous Zoning By-law Amendment application approvals, as described in the Decision History Section of the Report.

## **Infrastructure/Servicing Capacity Background on Sanitary Servicing Infrastructure**

The Sheppard Avenue East corridor sanitary sewer system is a two kilometre-long sewer that flows east from Bayview Avenue to the East Don Trunk Sewer at Leslie

Street, as shown in Attachment 3. The sanitary sewer was constructed in the 1960s and the sewer sections on Sheppard Avenue East were upgraded in the early 2000s to increase the original sewer diameter in order to accommodate future development. The Sheppard Avenue East corridor sanitary sewer system currently has pipe diameters ranging from 300 mm to 750 mm.

### **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. Construction of the East Don River project will be carried out in 2 main phases and the entire project is expected to take approximately four to five years to complete. Construction work has not yet begun. Design, tendering and construction of all phases of the East Don River project are being managed by the City of Toronto under the Design & Construction, Major Infrastructure Section, Don River & Central Waterfront Project Unit in the Engineering & Construction Services Division under project # SAP2020-GL-EASTDON-001.

The first phase of work involves the weir removal, channel improvements & sewer connections crossing the East Don River. While permits for the land-based infrastructure (i.e. sewer sections not within the river) have been obtained, there are river-crossing related permits (at provincial and federal levels) which have been applied for but are still outstanding. The timing to obtain these permits is uncertain, however staff are working with the agencies to finalize all outstanding issues.

The Request for Tender for the first phase of work has been posted on the City's SAP Ariba online Call and Tender document Web Page and has a closing date of June 24, 2021. An East Don River project Web Page was created by the City's Public Consultation Unit (PCU) to notify the public about this project. The project Web Page is live at [www.toronto.ca/eastdonriver](http://www.toronto.ca/eastdonriver).

As noted above, construction will be completed in 2 main phases with estimated timing as follows (assuming no permitting delays):

- Phase 1 of the project, which includes construction of the 675mm sanitary sewer upgrade work, is expected to start in Q4 of 2021 with completion estimated to be achieved by mid-2023. However, depending on the sequence of work proposed by the successful contractor and assuming no permitting delays, it may be possible to put the new sanitary sewer upgrades into operation ahead of the final construction completion date, with further details on a possible potential date to be determined;
- Completion of weir removal, river improvements and river stabilization is expected to be completed by mid-2023, depending on the sequence of work proposed by the successful contractor and assuming no permitting delays; and
- Phase 2 of the project, which has not yet been tendered, includes the completion of the new underground storage tank, pumping station and public washroom building

and is expected to be completed by 2025 to 2026, but the date is yet to be confirmed and will be determined upon the successful tendering of the Phase 2 project.

### **Sanitary Sewer Capacity Assessment**

Toronto Water has analyzed the sanitary sewer system capacity in the Sheppard Avenue East corridor, to service current and future development along the corridor. The analysis includes dry and wet weather conditions. Population projections and flow monitoring data were used to calibrate and validate the analysis. The sanitary sewershed area analyzed is shown in Attachment 2.

The capacity analysis found that the Sheppard Avenue East corridor sanitary sewer system is currently at capacity under dry weather conditions. Furthermore, the Sheppard Avenue East corridor sanitary sewer system currently does not have capacity under wet weather conditions and there is a risk of localized surface flooding. The capacity assessment also concluded that adding flows from proposed development will worsen the current capacity condition. Upgrades are required because the Sheppard Avenue East corridor sanitary sewer does not have capacity to service future development including the population projected to 2041. Population projections for 2051 are not yet available as the City has not completed its municipal comprehensive review.

Toronto Water has determined that the sanitary sewer system on Sheppard Avenue East needs to be upgraded and construction of the required upgrade is expected to start in Q4 of 2021 with completion estimated to be achieved by mid-2023. The sewer upgrade work includes increasing the last three 300mmØ sanitary sewer legs (pipes) upstream of the sanitary trunk sewer to 675mmØ, located at the north-west corner of Sheppard Avenue East and Leslie Street intersection. This upgrade will address the current capacity constraint and will also provide some additional capacity. Capacity required to service any future rezoning approvals, including sites where the Holding Provisions will apply, will be required to demonstrate that the upgraded sanitary sewer system will have sufficient capacity. If there is not sufficient capacity, for instance in a local sewer, further upgrades will be required, at the sole cost of the applicant(s). Studies in support of future rezoning proposals shall undertake a sanitary sewer capacity assessment based on the future sanitary sewer configuration to determine the specific needs and capacity constraints for their proposal.

### **Recommendations for a Holding Provision**

Due to the present servicing capacity constraint, Staff are recommending, should an application within this sanitary sewershed be approved in some form, that the subject lands be zoned with a Holding Provision ("H") until such time that:

- (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 Section, Don River & Central Waterfront Project Unit 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.

Any approvals of active development applications within this corridor, will require that a Holding Provision ("H") be imposed. The approvals of the rezoning applications in respect of the subject properties also require the implementation of a Holding provision until the identified servicing capacity issues are resolved.

As such, the subject properties shall not be used for any purpose other than those uses and buildings that currently exist on the site. Any new uses or buildings, where the construction of which will increase sanitary or private water, or groundwater flows to municipal sanitary sewers, will not be permitted until such time that the holding provision has been removed. An amending by-law to remove the "H" symbol, which may be removed from the whole of or a portion of the lands, may be enacted by City Council when the conditions as outlined in the attached zoning by-laws (Attachment 3 and 4) have been fulfilled to the satisfaction of City Council.

## **Conclusion**

Staff are of the opinion that the proposed City-initiated Zoning By-law Amendment is 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.

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## CONTACT

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## SIGNATURE

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John Andreevski, Acting Director  
Community Planning, North York District

Simon Hopton, P. Eng, Director  
Design & Construction, Major Infrastructure  
Engineering and Construction Services

## ATTACHMENTS

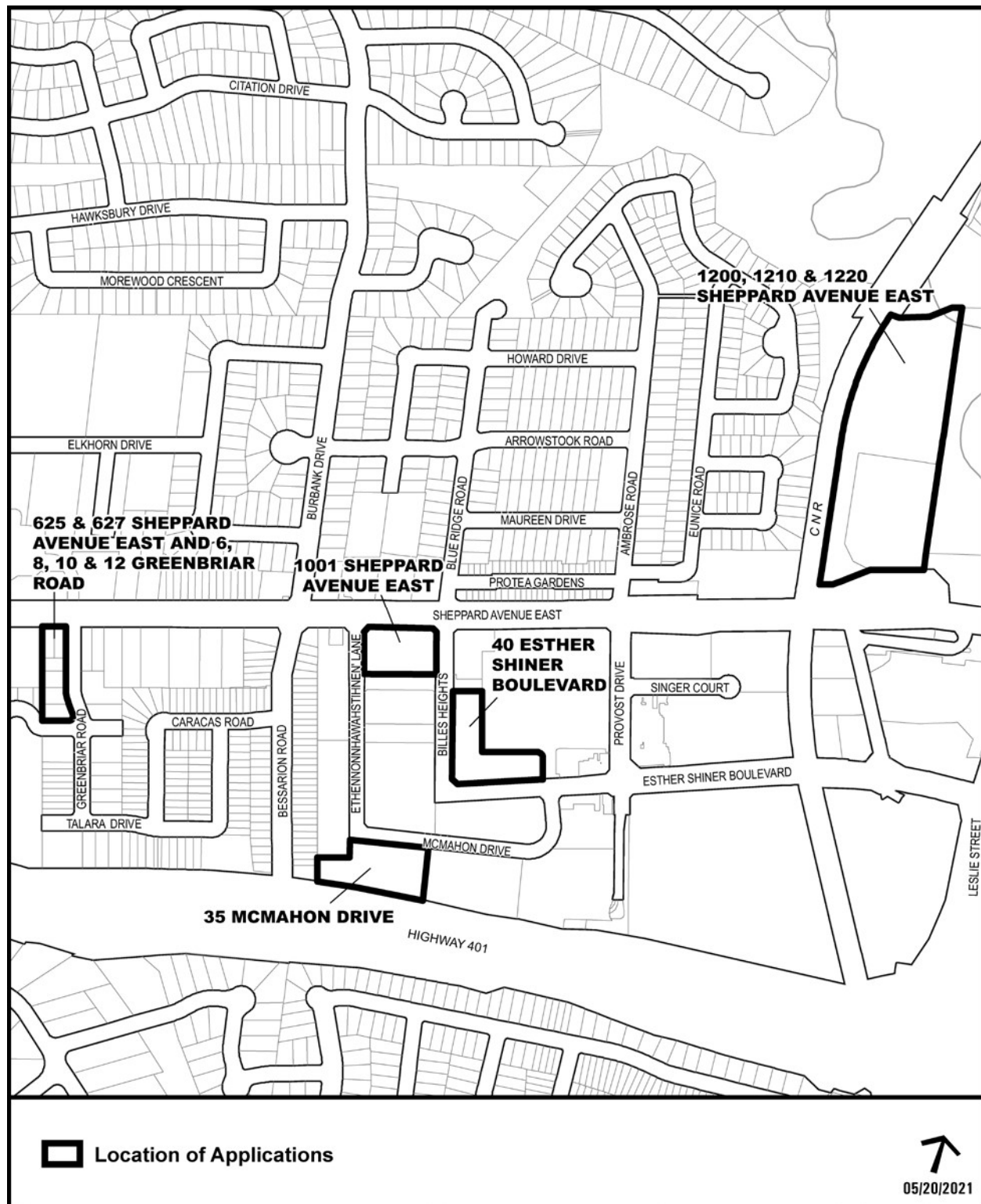
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### City of Toronto Data/Drawings

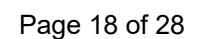
- Attachment 1: Location Map
- Attachment 2: Sanitary Sewershed Map
- Attachment 3: Draft Zoning By-law Amendment 569-2013
- Attachment 4: Draft Zoning By-law Amendment 7625



## Attachment 1: Location Map



Final Report - 625 to 627 Sheppard Ave E, 6 to 12 Greenbriar Rd, 1001 Sheppard Ave E, 1200 to 1220 Sheppard Ave E, 35 McMahon Dr, and 40 Esther Shiner Blvd



### Attachment 3: Draft Zoning By-law Amendment 569-2013

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

#### **CITY OF TORONTO Bill No. ~**

#### **BY-LAW No. XXXX-2021**

**To amend Zoning By-law No. 569-2013, as amended by site specific By-law 2582020(LPAT), with respect to the lands municipally known in the year 2021 as 625627 Sheppard Avenue East and 6, 8, 10, 12 Greenbriar Road.**

Whereas Council of the City of Toronto has the authority to pursuant to 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; and

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 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, and applying the following zone label to these lands: (H) CR 3.75(c0.01; r3.65) SS2 (x218) as shown on Diagram 2 attached to this By-law.
4. By-law 569-2013, as amended, is further amended as follows, in regulation 900.11.10(218) Exception CR 218, under the heading Site Specific Provisions:

(A) Add a new provision (T) as follows: The lands identified with the symbol "(H)" in the zone label on Diagram 2 of By-law [Clerks to insert number] are restricted in use as specified by Section 5 of By-law [Clerks to insert number].

## 5. 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 shall not be used for any purpose other than those uses and **buildings** as existing on the site as of [City Clerk to insert date of enactment of by-law] until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council, on all or part of the lands, when the following condition(s) has been fulfilled to the satisfaction of Council.

(A) The lands shown on Diagram 2, 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:

a. 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

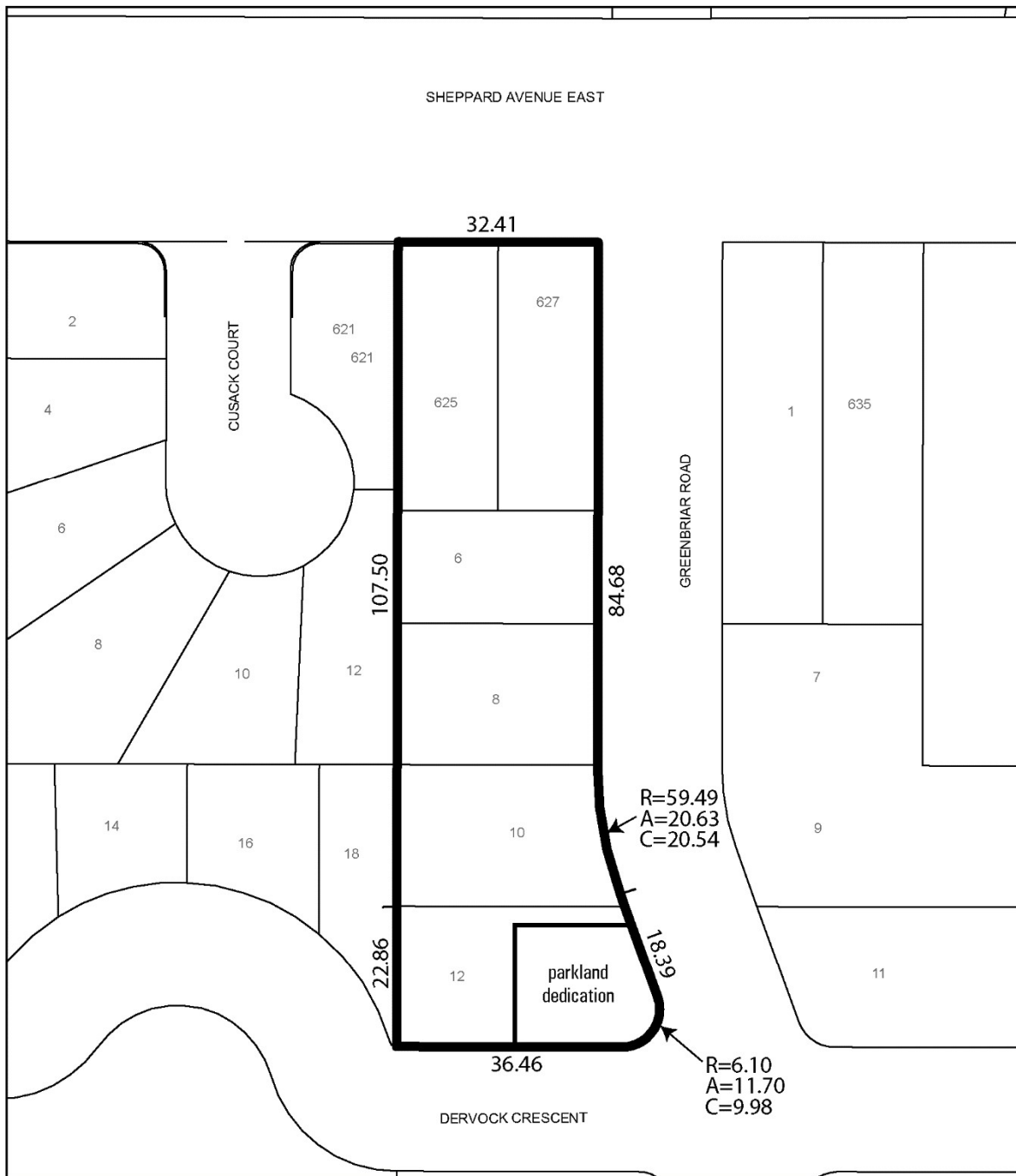
b. in respect of individual parcels of land, the owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such 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 on month ##, 2021

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of City)



**TORONTO**  
Diagram 1

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

File # 16 118618 NNY 24 02

City of Toronto By-law 569-2013  
Not to Scale  
10/01/2019



**TORONTO**  
Diagram 2

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

File # 16 118618 NNY 24 02

City of Toronto By-law 569-2013  
Not to Scale  
05/18/2021

Attachment 4: 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 625-627 Sheppard Avenue East and**

**6, 8, 10, 12 Greenbriar Road, 1200, 1210, 1220 Sheppard Avenue East, 1001 Sheppard Avenue East, 40 Esther Shiner Boulevard and 35 McMahon Drive**

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:

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule 1, 2, and 3 of this By-law.
2. Section 64.20-A(208), 64.20-A(218), and 64.20-A(262) of By-law No. 7625 is amended by adding the following subsections:

**"64.20-A (208) RM6 (208) (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.

#### **64.20-A(218) RM6(218)(H) HOLDING PROVISIONS**

(a) The lands shown on Schedule "2", 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 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.

**64.20-A(262) RM6(262)(H)**

## **HOLDING PROVISIONS**

(a) The lands shown on Schedule "3", 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 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

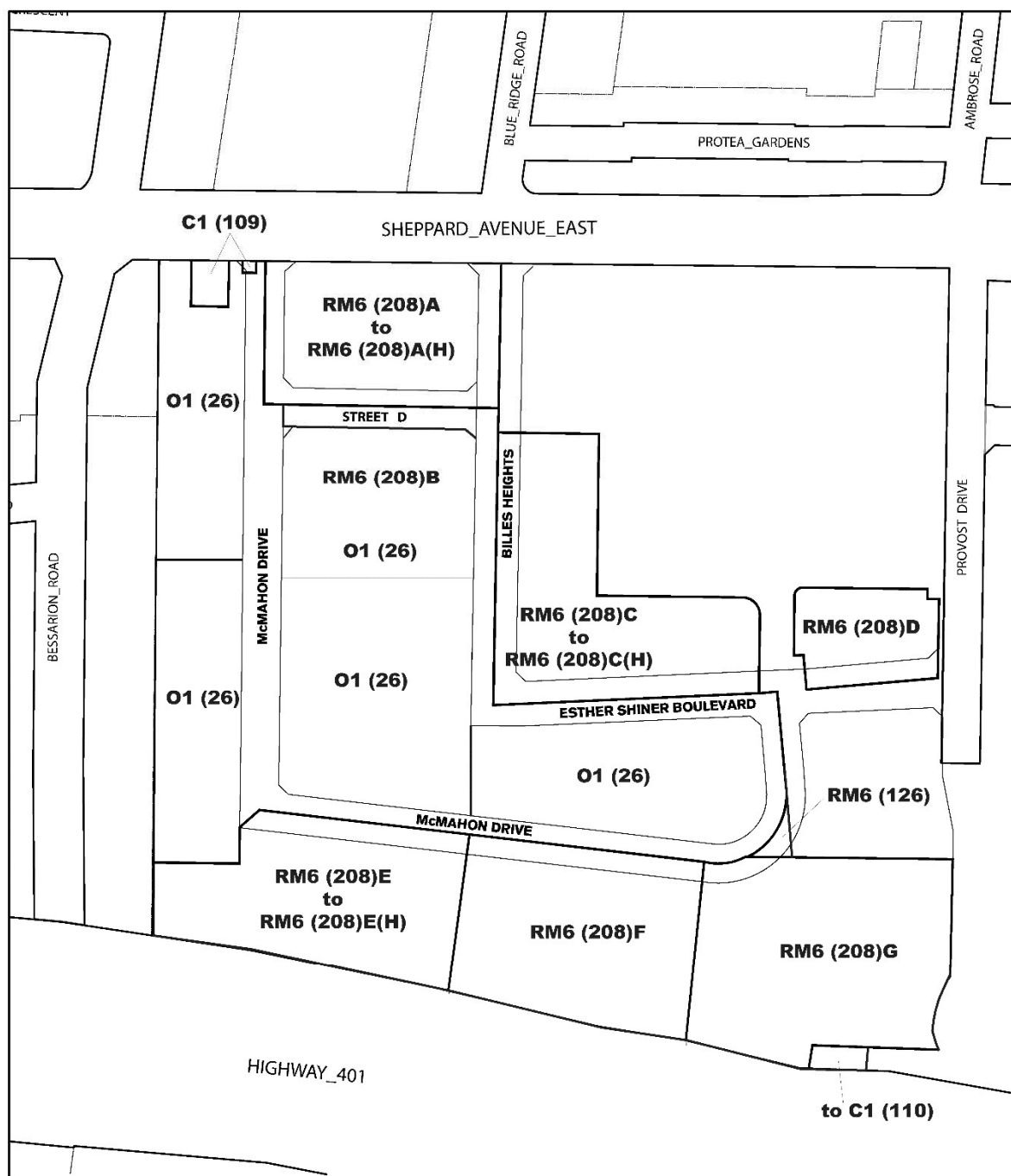
ii. in respect of individual parcels of land, the owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such 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)



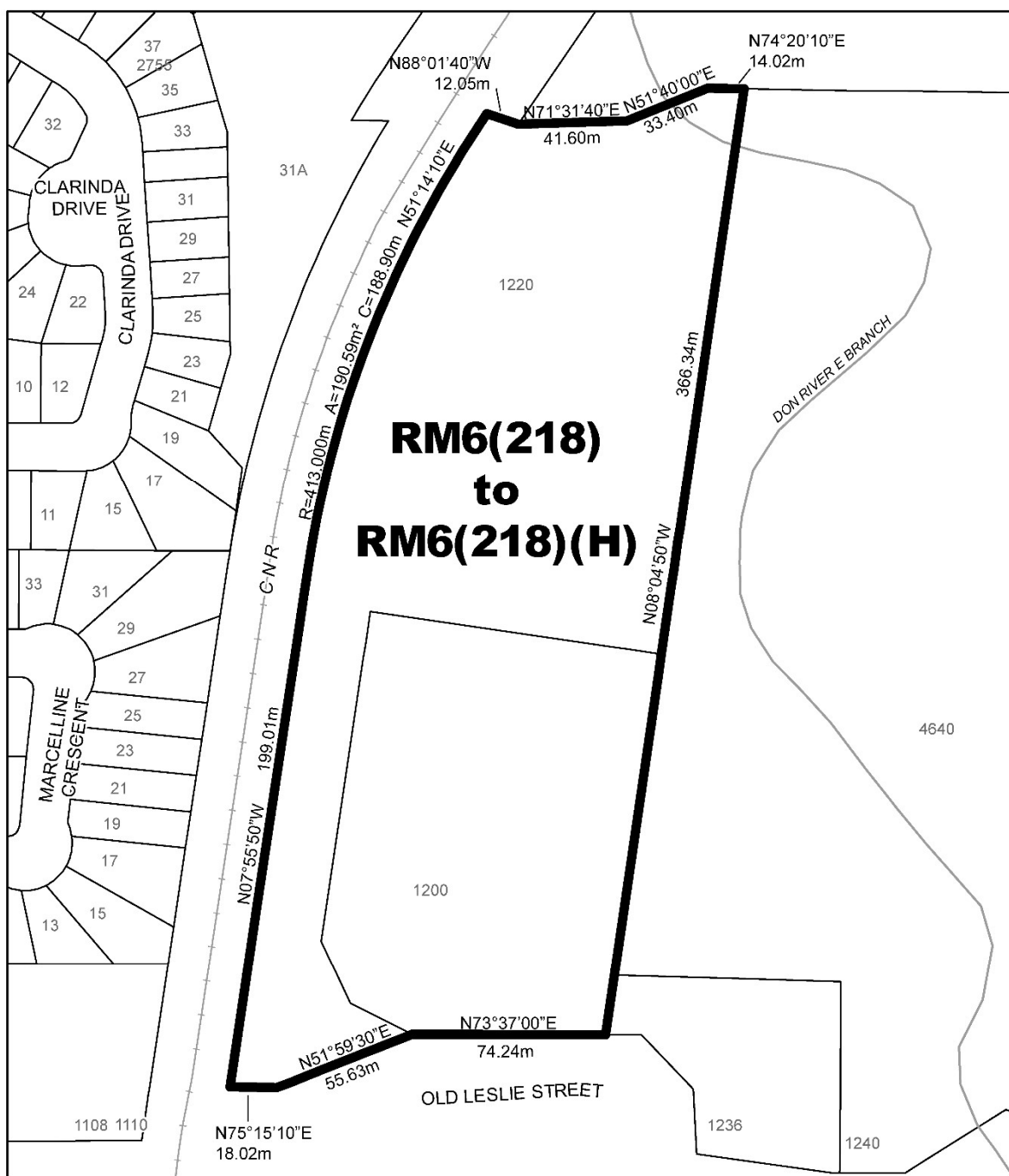
**Toronto**  
Schedule 1

1001 Sheppard Avenue East, 40 Esther Shiner  
Boulevard and 35 McMahon Drive

File # 19 254260 NNY 17 0Z



Former City of North York 7625  
Not to Scale  
05/18/2021

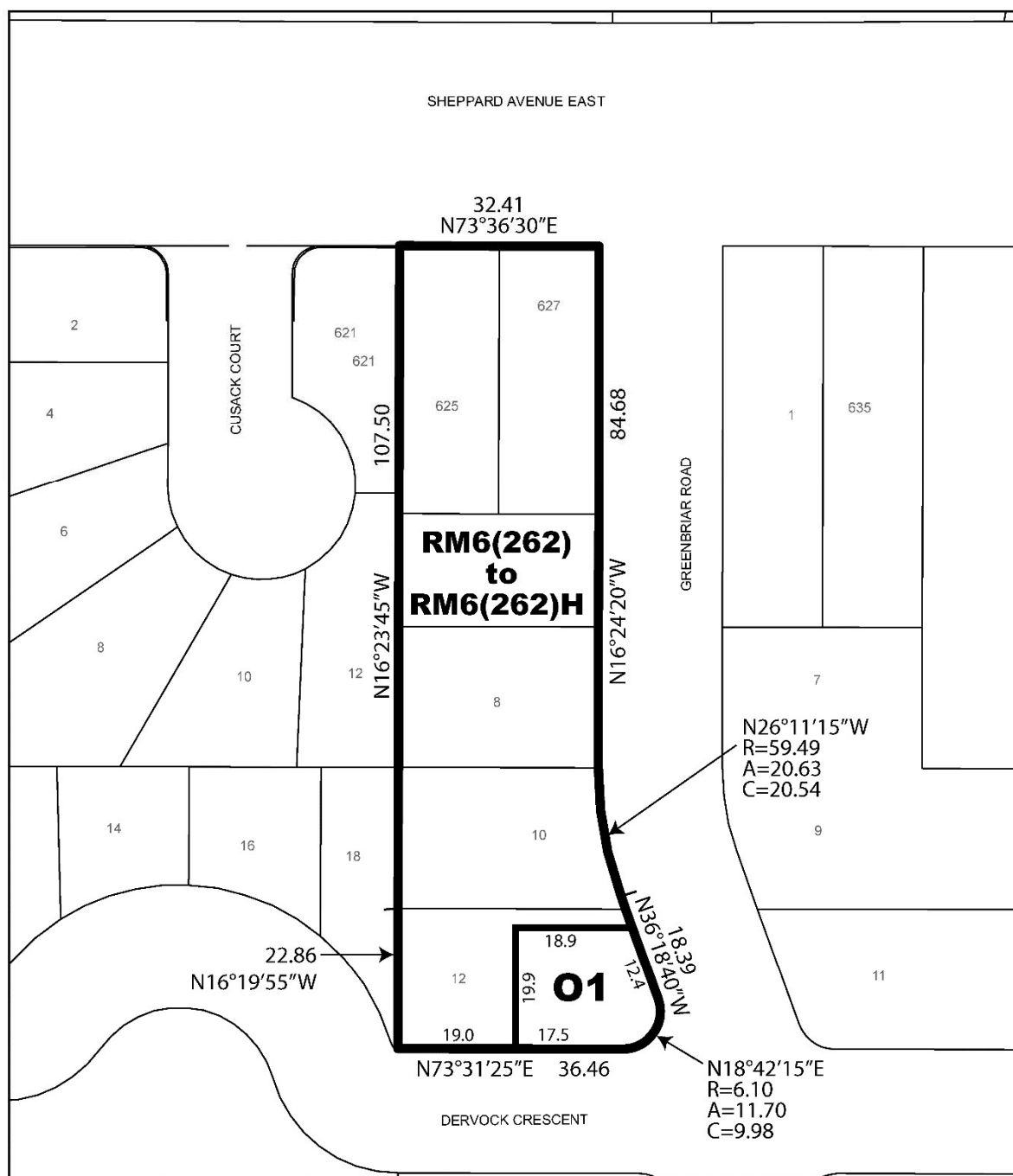


**Toronto**  
Schedule 2

1200, 1210 & 1220 Sheppard Avenue East

File # 19 254260 NNY 17 02

↑  
Former City of North York 7625  
Not to Scale  
05/18/2021



**Toronto**  
Schedule 3

**625 & 627 Sheppard Avenue East  
and 6, 8, 10 & 12 Greenbriar Road**

File # 19 254260 NNY 17 02

City of Toronto By-law 569-2013  
Not to Scale  
05/18/2021