

140, 150, 160, 170, 190 and 220 Sherway Drive - Application to Lift the Holding Provisions (H) on Area B - Final Report

Date: May 13, 2022

To: Etobicoke York Community Council

From: Director, Etobicoke York, Etobicoke York District

Wards: 3 - Etobicoke-Lakeshore

SUMMARY

This application proposes to lift the Holding (H) symbol for Area B identified in site-specific Zoning By-law 814-2021, as amended by By-law 938-2022. This amendment will allow for development within Area B of the Trillium Health Partners Queensway Hospital site, which includes the development of a nine-storey hospital building and a new central utility plant at 140, 150, 160, 170, 190 and 220 Sherway Drive.

The holding provisions of Zoning By-law 814-2021 require that prior to lifting the Holding (H) symbol on Area B, the owner must satisfy conditions related to a vehicular connection to The Queensway from the subject site, a resubmission and acceptance of engineering reports related to water capacity and updates that include the new Central Utility Plan and the owner entering into a Section 37 Agreement that secures obligations related to the proposal on the site and future phases of development.

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 City's Official Plan and the Sherway Area Secondary Plan. This report reviews and recommends approval of the application to amend site specific Zoning By-law 814-2021, as amended, to lift the Holding (H) symbol from Area B.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 814-2021, as amended by By-law 938-2021, to remove the Holding Symbol (H) from Area B, in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 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.
3. City Council direct the City Solicitor to withhold the Bill until such time as the Section 37 Agreement has been executed and registered on title satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

City Planning 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

At its meeting of October 1 and 4, 2021, City Council adopted Etobicoke York Community Council Item EY26.2, as amended, which included Final and Supplementary Reports that recommended amendments to the city-wide Zoning By-law 569-2013 to permit the construction of a new nine-storey hospital building with 416 beds at the north end of the site, a new central utility plant to the west of the proposed new hospital building, and a new eight-storey above grade parking structure with 838 parking spaces at the south end of the site at 140, 150, 160, 170, 190 and 220 Sherway Drive. By-law 814-2021 was enacted and passed on October 4, 2021 to permit the development with holding provisions on Areas B and C. Area B is the site of the proposed new hospital building and new central utility plant.

The Final and Supplementary Reports are found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY26.2>

At its meeting of November 9, 2021, City Council adopted Member Motion MM37.32 to revise section 8(C)(i) to By-law 814-2021 to address a typographical error related to the Canadian Geodetic Datum elevation. This change was considered minor and technical in nature. By-law 938-2021 was enacted and passed on November 9, 2021.

The Member Motion is found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM37.32>

PROPOSAL

This application proposes to lift the Holding (H) symbol from Area B identified in Zoning By-law 814-2021, as amended, to facilitate the development of a new nine-storey (46 metres) hospital building with 416 beds and a new central utility plant to the west of the proposed new hospital building. The proposal would include approximately 47,500 square metres of new gross floor area for the new hospital, 2,500 square metres of new gross floor area for the new central utility plant. The ninth floor of the new hospital would be limited to approximately 335 square metres to be used for an indoor amenity area connecting to an outdoor amenity area on the roof of the 8th storey.

A new eight-storey (23 metres) above grade parking structure with 838 parking spaces at the south end of the site (Area A) was not subject to a holding provision. All other existing buildings are proposed to remain on site.

Reasons for the Application

The application to lift the Holding (H) symbol for Area B of the subject land, is required to accommodate the proposed development of a nine-storey hospital building and a new central utility plant. The conditions to be satisfied prior to lifting the Holding (H) symbol from the site are outlined above.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports, studies and plans were submitted in support of the application:

- Functional Road Design
- Hydrogeological Investigation and Hydrogeological Review Summary
- Site Plan
- Preliminary Site Works Cost Estimate
- Landscape Plans
- Functional Servicing Conformance Report
- Functional Conformance Review
- Grading & Servicing Plan
- Stormwater Management Report
- Survey
- Urban Transportation Considerations - The Queensway Site Access

Copies of the submitted documents are available on the City's Application Information Centre:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation Outcomes

The application together with the applicable reports noted above, were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to assess the fulfillment of the conditions listed in the holding provisions of Zoning By-law 814-2021.

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.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities.

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 plan control.

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 opportunities for job creation; and
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs.

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 City 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."

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 City 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.

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 City 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 City Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

The lands are designated *Institutional Areas* on Map 15 - Land Use Plan, Schedule 2 – The Designation of Planned but Unbuilt Roads identifies a new link from The Queensway, west of The West Mall to The West Mall, south of The Queensway.

The City of Toronto Official Plan can be found here:

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

Sherway Area Secondary Plan

The lands are subject to the Sherway Area Secondary Plan and are located within the Trillium Precinct. The Trillium Precinct is centred on the Trillium Health Partners Queensway Hospital site, an important institutional use, employer and resource for the community. Planning for the Trillium Precinct is to consider the adjacent lands south of The Queensway and west of The West Mall to provide for a coordinated approach to the network of new public streets, naturalized areas and access to the ravine trail system.

The framework for planning and long term development of the Sherway Area is based on a Structure Plan. Key structural elements noted on the Structural Plan relevant for the subject site include:

- a new public street traversing through the site from The Queensway at a fixed location to connect to The West Mall through the site in a flexible location;
- the Etobicoke Creek Ravine System, utility corridor and off road trails abutting the site; and
- a Landscaped Point of Entry at the northern tip of the site centred around The Queensway and The West Mall intersection.

Trillium Precinct Policies 10.17 and 10.18 require the new public street to connect The Queensway to The West Mall and Sherway Drive at the intersection of Sherway Drive and Evans Avenue is to serve as the new public street entrance to the Trillium Health Partners hospital and serve as a westward extension of Evans Avenue, west of The West Mall. Policy 10.19 requires that the private street currently functioning as a service road to access the Trillium Health Partners hospital site will, through future development:

- be planned to protect for a future public street that is designed and located to the satisfaction of the City;
- be designed to create a sense of place within the site;
- continue to be a private street as required to permit phased development of the site over time;
- be conveyed to the City as a public street in accordance with the phasing specified in an updated master plan as approved by the Ministry of Health, or successor,
- notwithstanding policy 11.16 requiring a Precinct Plan, and following completion of the first phase of development, the owner of the site will submit for approval to the Ministry of Health, or successor, an updated master plan, in accordance with

provincial requirements, that specifies the location and conveyance of the future public street and the phases for its implementation, in consultation with the City.

The Sherway Area Secondary Plan can be found here:

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

Zoning

Area B is zoned Institutional (H) IH (x3) in By-law 814-2021. The IH Zone permits a hospital, hospice care home, education use, municipal shelter, park, wellness centre, massage therapy and medical offices uses, and permits, with conditions, a range of additional uses on the site. This site is subject to exception IH-3 which details specific development standards such as building heights, gross floor area, setbacks, parking and loading provisions for lands within Area B.

Sections 10(A)(i), 10(A)(ii) and 10(A)(iii) of By-law 814-2021 contain the conditions of the Holding provisions relative to the (H) IH (x3) on Area B as follows:

"(A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those the hospital and ancillary uses located in the buildings and structures existing on the lands as of October 4, 2021 until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol may be enacted by City Council when the following conditions have been fulfilled for each respective Area to the satisfaction of, where applicable, the City Solicitor, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Engineer and Executive Director of Engineering and Construction Services, and Council, in respect of the lands as follows:

- (i) With respect to Area B, the location and configuration of a vehicular connection between lands municipally known in the year 2020 as 140, 150, 160, 170, 190 and 220 Sherway Drive and 2217 The Queensway has been addressed to the satisfaction of the General Manager, Transportation Services, Chief Engineer and Executive Director of Engineering and Construction Services and the Chief Planner and Executive Director, City Planning, including:
 - a. A plan(s) and or reports outlining the location and configuration of the vehicular connection described in 10(A)(i) as well as the preparation of the required engineering drawings for approval and acceptance by General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning;
 - b. If required, necessary approvals, per the Planning Act to proceed with the vehicular connection as described in 10(A)(i) above, have been issued to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director of Engineering and 7 City of Toronto By-law 814-2021 Construction Services and the Chief Planner and Executive Director, City Planning; and

- c. Satisfactory arrangements with the General Manager, Transportation Services, and Chief Engineer and Executive Director of Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure have been made, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure.
- (ii) With respect to Area B, the matter of water capacity and updates to engineering plans, drawings, studies and reports that include the proposed central utility plant are addressed by the following:
- a. Revised engineering plans, drawings, studies and reports have been submitted by the owner and accepted by the Chief Engineer and Executive Director of Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - b. A financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction and the City Solicitor, for the construction of improvements that may be required to the City's servicing for the lands; and
 - c. Arrangements satisfactory to the Chief Engineer and Executive Director of Engineering and Construction Services have been made with the City for the construction of new municipal infrastructure or any improvements to the existing municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure.
- (iii) With respect to Area B and Area C, the owner enters into, and registers on title to the lands, an agreement with the City of Toronto pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor."

The applicable Zoning By-law 814-2021, and amending By-law 938-2021, may be found here: <https://www.toronto.ca/legdocs/bylaws/2021/law0814.pdf>
<https://www.toronto.ca/legdocs/bylaws/2021/law0938.pdf>

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Staff have determined that the proposal has regard for matters of Provincial Interest in the Planning Act, is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

This application has addressed the vehicular connection, servicing and capacity impacts of the proposed central utility plant and hospital development, and is consistent with the PPS in this regard.

The application secures the future public street connection, and demonstrates there are no outstanding servicing or capacity issues pertaining to the development and, therefore, does not conflict with the Growth Plan.

Official Plan and Sherway Area Secondary Plan

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of this report as well as the policies of the Toronto Official Plan as a whole. The application is consistent with the Official Plan and the Sherway Area Secondary Plan.

Lifting of the Holding (H) Symbol

Holding Provision 10(A)(i):

In addressing holding provision 10(A)(i)(a) relating to the vehicular connection to The Queensway, the applicant submitted a Functional Road Design for the vehicular connection, a preliminary site works cost estimate and an updated "Urban Transportation Considerations - The Queensway Site Access" report, dated November 2021, and resubmitted in January 2022. Transportation Services staff reviewed the materials and accept the Functional Road Design proposed as well as the preliminary cost estimate.

The January 2022 Transportation Considerations report provides an "Interim Concept" for the hospital's private road network within the site without a vehicular connection to The Queensway. This report also reviews the "Planned Concept" from the previous Urban Transportation Considerations (November 2021) report which was based on having a vehicular connection to The Queensway from the site's internal private roadway network established prior to construction and occupancy of the proposed new hospital. As a result of the differences between the two scenarios, staff are supportive of the "Interim Concept" if the Section 37 Agreement secures the following elements into the site, including in the event the applicant constructs a vehicular connection to The Queensway from the subject hospital site (i.e., connecting the hospital's internal private driveway to The Queensway):

- the applicant agrees to the removal of the driveway opening into The West Mall north of the proposed hospital building in Area B to the satisfaction of the Chief Planner and the General Manager of Transportation Services;
- the applicant agrees to replace the uncontrolled pedestrian crossing proposed as part of the interim concept with a controlled pedestrian crossing fronting onto the northeast corner of the Parking Structure in Area A to the satisfaction of the General Manager of Transportation Services; and
- the applicant shall be responsible for the costs of the preparation of updated signal timing card(s) that are required for the necessary control area updates at the traffic

signal control intersections in the immediate vicinity of the development to the satisfaction of the General Manager of Transportation Services.

In addressing holding provision 10(A)(i)(b), there are no longer any necessary approvals required under the Planning Act to accept the changed location of the vehicular connection, the Notice of Application Conditions of Site Plan Approval associated with 2217 The Queensway has expired. The Trillium Health Partners are now the new owners of the 2217 The Queensway site and have submitted correspondence confirming their intent to withdraw this Site Plan Control application. However, it should be noted if a new vehicular connection between the hospital site through to The Queensway is to be established, the City may require a Draft Plan of Subdivision Application submitted for that portion of the new public street.

In addressing holding provision 10(A)(i)(c), staff require the Section 37 Agreement include the obligation to provide a security in the amount suggested by the preliminary cost estimate, with adjustments for contingency and inflation, to be secured through a Letter of Credit.

Holding Provision 10(A)(ii):

In addressing Holding provision 10(A)(ii) relating to the matter of water capacity and updates to engineering plans, drawings, studies and reports that include the proposed central utility plant, the applicant submitted a Hydrogeological Investigation and Hydrogeological Review Summary, a Functional Servicing Conformance Report and a Functional Conformance Review, a Grading & Servicing Plan and a Stormwater Management Report.

Engineering and Construction Services staff reviewed the materials and reports submitted and consider condition 10 (A)(ii) (a) and (c), as related to the Holding provision conditions, as having been satisfactorily addressed. Engineering and Construction Services staff further confirm that no improvements to the City's existing infrastructure are required.

Holding Provision 10(A)(iii):

In addressing Holding provision 10(A)(iii) relating to the matter of entering into a Section 37 Agreement with the City, at the time of writing this report, staff were working to finalize the agreement with the applicant including incorporation of the required matters to support the development of the site.

The Section 37 Agreement is currently being finalized and is anticipated to be completed in advance of Council's consideration of lifting of the Holding (H) symbol. In the event it is not yet registered on title, staff recommend holding the Bills for enactment until the Section 37 Agreement has been registered on title.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Sherway Area 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 is in keeping with the intent of the Official Plan, particularly as it relates to the implementation of holding by-laws to secure transportation improvements and appropriate infrastructure to support growth. The conditions that are required to be addressed prior to the lifting of the Holding (H) symbol in site-specific Zoning By-law 814-2021, as amended, have been satisfied such that the development of the proposed hospital building and central utility plant within Area B can proceed. Staff recommend that City Council approve the proposed amendment to Zoning By-law 814-2021, as amended, to remove the Holding (H) symbol from the Area B portion of the site to allow for the development of these lands.

CONTACT

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SIGNATURE

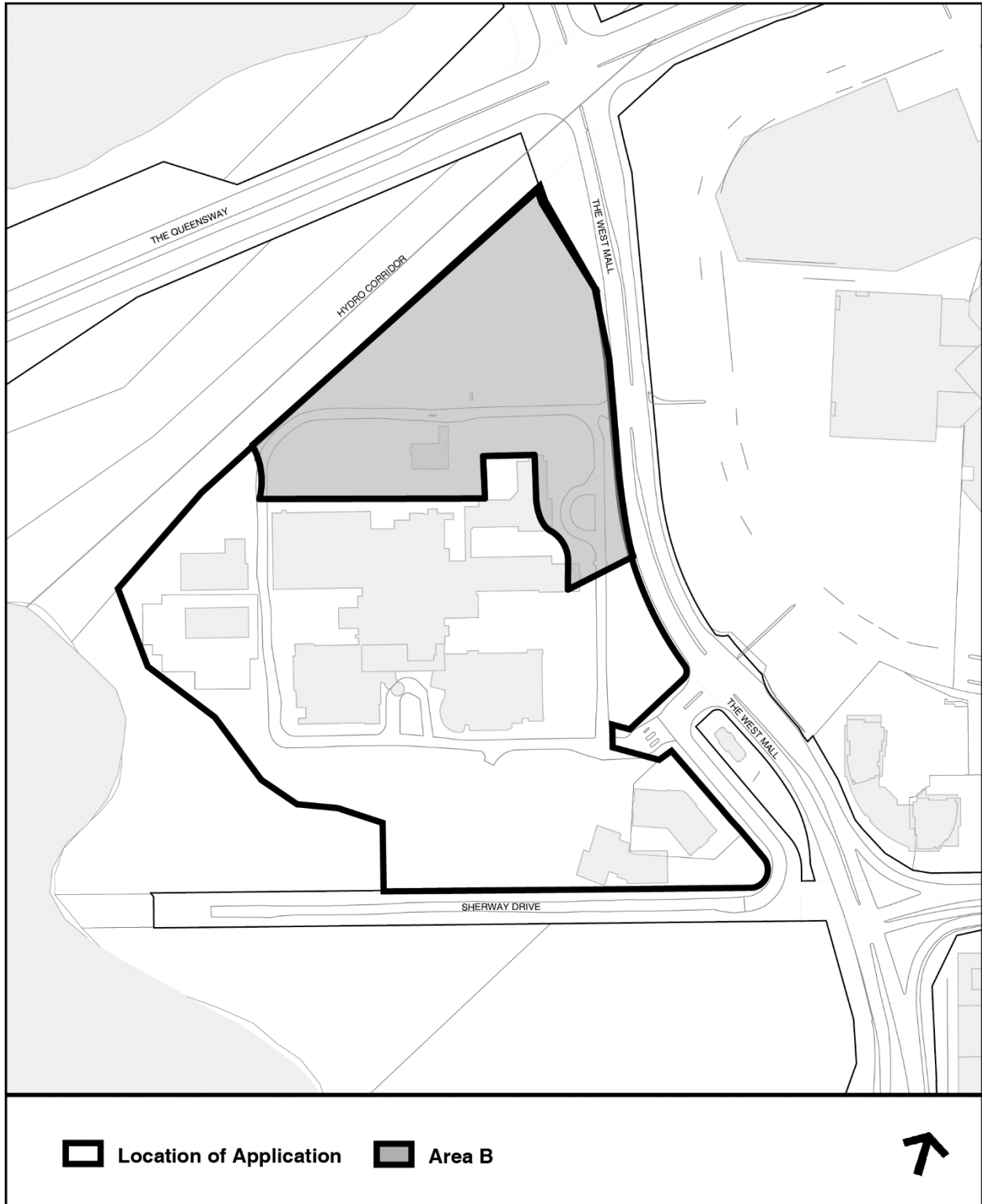
Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council, Item [##], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW ###-YEAR

To remove the Holding Symbol (H) from Area B in By-law 814-2021, as amended, being a by-law to amend Zoning By-law 569-2013, with respect to the lands municipally known in the year 2021 as 140, 150, 160, 170, 190 and 220 Sherway Drive.

Whereas Council of the City of Toronto has the authority pursuant to 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 the conditions relating to the Holding Symbol (H) have been satisfied; and

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

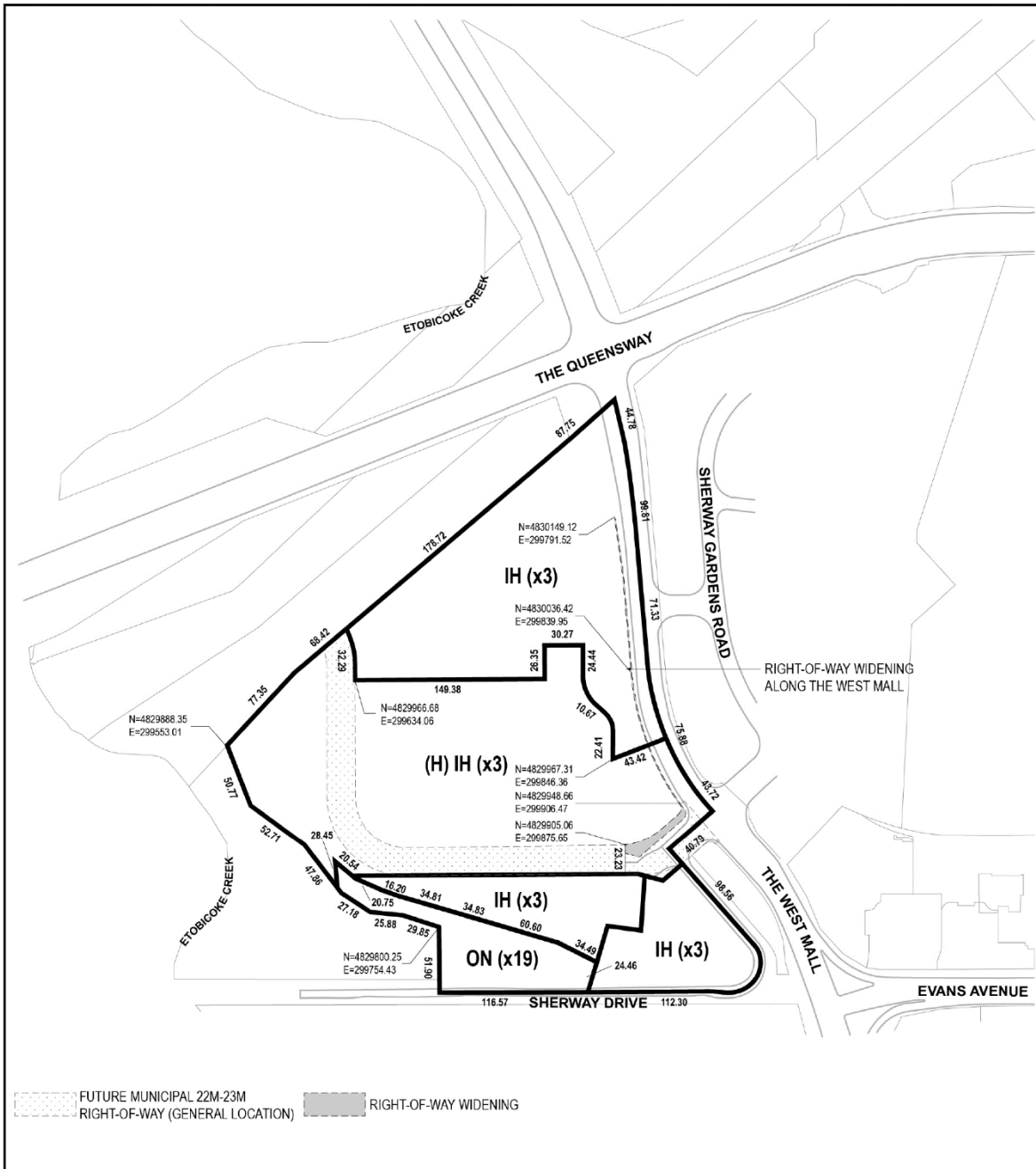
The Council of the City of Toronto enacts:

Diagram 2 is amended by removing the Holding Symbol (H) from Area B as shown on the revised Diagram 2 attached to this By-law.

Enacted and passed on [month day, year].

[full name], [full name],
Speaker City Clerk

(Seal of the City)



TORONTO
Diagram 2

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.

City of Toronto By-law 569-2013
 Not to Scale
 08/25/2021