# **DA TORONTO**

# **REPORT FOR ACTION**

# 110 and 112 Sheppard Avenue West – Zoning By-law Amendment: Removal of the Holding (H) Symbol – Final Report

Date: June 1, 2022 To: North York Community Council From: Director, Community Planning, North York District Ward: Ward 18 - Willowdale

Planning Application Number: 19 220777 NNY 18 OZ

# SUMMARY

This application proposes to remove the Holding (H) symbol for the lands municipally known as 110 and 112 Sheppard Avenue West. Removal of the Holding (H) symbol would allow for the development of a 6-storey residential building containing 30 units to proceed on the site.

The existing site-specific Zoning By-laws contain a Holding (H) symbol due to existing sanitary capacity issues on Sheppard Avenue West. A solution for the sanitary capacity issues that does not rely on municipal infrastructure improvements has been identified and accepted. The Chief Engineer and Executive Director, Engineering and Construction Services, the City Solicitor, and the Director, Community Planning, North York District are satisfied that the Holding (H) symbol can be removed.

This report reviews and recommends approval of the application to remove the Holding (H) symbol for the lands at 110 and 112 Sheppard Avenue West.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). By removing the Holding (H) symbol, the City Council-approved development can proceed.

### RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013, as amended by By-law 926-2019, for the lands at 110 and 112 Sheppard Avenue West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.

2. City Council amend Zoning By-law No. 7625, as amended by By-law 927-2019, for the lands at 110 and 112 Sheppard Avenue West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 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.

# **FINANCIAL IMPACT**

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

# **DECISION HISTORY**

At its meeting of May 22, 2019 North York Community Council recommended adoption of the 110 and 112 Sheppard Avenue West – Official Plan and Zoning Amendment Applications – Final Report from the Director, Community Planning, North York District, dated May 3, 2019. The report recommended the placing of a Holding (H) symbol on the site until such time as the applicant has fulfilled the conditions related to the servicing capacity issues to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the City Solicitor, the Director, Community Planning, North York District and Council.

The Final Report can be found at the following link: https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-132674.pdf

North York Community Council also received the 110 and 112 Sheppard Avenue West – Official Plan and Zoning By-law Amendment Applications – Supplementary Report, dated May 21, 2019 for information regarding A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

The Supplementary Report can be found at the following link: https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-133363.pdf

At its meeting of May 22, 2019, North York Community Council also directed City Planning staff to "prepare a supplementary report to City Council to address any technical issues or changes proposed by the applicant." North York Community Council's direction can be found at the following link: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.NY6.3

At its meeting of June 18, 2019, City Council adopted 110 and 112 Sheppard Avenue West – Official Plan and Zoning Amendment Applications – Supplementary Report from Chief Planner and Executive Director, City Planning, dated June 11, 2019. The Supplementary Report responded to North York Community Council direction by recommending revisions to the draft Zoning By-laws contained in the previously submitted Final Report from the Director, Community Planning, North York District, dated May 3, 2019 to reflect refinements to the proposal by the applicant.

The Supplementary Report can be found at the following link: https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-134478.pdf

City Council's decision can be found at the following link: <u>http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.NY6.3</u>

# PROPOSAL

The application proposes to amend City of Toronto Zoning By-law 569-2013, as amended by By-law 926-2019, and former City of North York Zoning By-law No. 7625, as amended by By-law 927-2019, in order to remove the Holding (H) symbol for the lands at 110 and 112 Sheppard Avenue West.

#### **Reasons for Application**

Site-specific Zoning By-laws 926-2019 and 927-2019 contain a Holding (H) symbol that restricts development of the site until such a time as an acceptable sanitary servicing solution is identified and the conditions of the by-laws are fulfilled to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the City Solicitor, the Director, Community Planning, North York District and City Council. The Holding (H) symbol must be removed in order for Site Plan Control approval and building permits to be issued so that the applicant may proceed with construction of the building.

See Attachment 1 of this report for an Application Data Sheet, Attachment 2 for project Location Map, Attachment 3 for Official Plan Land Use Map, Attachment 4 for City of Toronto Zoning By-law 569-2013 Map, and Attachment 5 for former North York By-law 7625 Map. See Attachment 6 for Draft Zoning By-law Amendment 569-2013, Attachment 7 for Draft Zoning By-law Amendment 7625, Attachment 8 for Site Plan and Attachment 9 for Elevation.

# **APPLICATION BACKGROUND**

#### **Application Submission Requirements**

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

- Sanitary Capacity Analysis Report; and
- Functional Servicing and Stormwater Management Report.

The submitted documents are available on the City's Application Information Centre (AIC) which can be accessed via the following link: <u>http://app.toronto.ca/AIC/index.do?folderRsn=Ob7EvPvt%2B%2FaSXtfaLQk0BA%3D%</u> 3D

The application was submitted on September 13, 2019 and deemed complete on September 30, 2019.

#### **Agency Circulation Outcomes**

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

#### POLICY CONSIDERATIONS

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

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

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

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

#### The Provincial Policy Statement (2020)

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

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

The provincial policy-led planning system recognizes and addresses the complex 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 a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

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

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

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

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

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

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

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

# **Toronto Official Plan**

The site is designated as *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan also contains policies regarding appropriate transition between *Mixed Use Areas* and adjacent *Neighbourhoods*. Development within *Mixed Use Areas* will be located and massed in such a way as to provide a transition between areas of different development intensity and scale.

In addition, this portion of Sheppard Avenue West is identified on Map 2 of the Official Plan as *Avenues*. Avenues are corridors along major streets intended for incremental reurbanization to create new residential, commercial, and retail opportunities while improving the overall pedestrian environment, the appearance of the street and accessibility to transit for community residents.

#### Chapter 2 - Shaping the City

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

#### Chapter 3 - Building a Successful City

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development will be located and organized to fit with its existing and/or planned context, create appropriate transitions in scale to neighbouring existing and/or planned buildings, provide adequate light and privacy, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility. New development will also provide public amenity and adequate amenity for residents of the new development, and enhance the public realm through improvements to adjacent boulevards and sidewalks.

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

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

The City of Toronto Official Plan can be found here: <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/</u>.

#### **Sheppard Lansing Secondary Plan**

On January 31, 2017, City Council adopted OPA 367 following the completion of the Sheppard Avenue Commercial Area Secondary Plan (SACASP) Review. The intent of OPA 367 is to provide a policy framework to address land uses, density, maximum building heights, setbacks, and appropriate angular planes along Sheppard Avenue West. The Secondary Plan was appealed to the Local Planning Appeal Tribunal (LPAT), and the LPAT subsequently dismissed the appeal on September 9, 2019. The Sheppard Lansing Secondary Plan is now in full force and effect.

The designation of the subject site in the Sheppard Lansing Secondary Plan is *Mixed Use Area 'B'*. This designation permits financial institutions, institutional uses, office uses, retail and service commercial uses, residential uses in a townhouse or apartment building form, and parks and open spaces.

The Secondary Plan permits a maximum height of 6-storeys and a maximum density of 2.5 times the lot area. A transition in scale will be provided to maintain natural light and views and to ensure privacy, while minimizing overlook and shadows to neighbourhood properties. No part of any building, except balcony railings and landscape elements, should project into a 45 degree angular plane measured from a height of 10.5 metres at the minimum required 7.5 metre rear yard setback.

The approved Sheppard Lansing Secondary Plan can be found here: <u>https://www.toronto.ca/legdocs/bylaws/2017/law0123.pdf.</u>

### Zoning

The site is zoned (H) CR 2.5 (c0.1; r2.5) SS2 (186) in the City of Toronto Zoning By-law 569-2013, as amended by By-law 926-2019. The site is also zoned RM6 (258) (H) in the former City of North York Zoning By-law 7625, as amended by By-law 927-2019. The site specific zoning permits a maximum height of 7-storeys, a maximum density of 2.5 times the lot area, and a maximum of 30 dwelling units. No part of the building, with the exception of the rooftop stair enclosure, and balcony railings, shall penetrate a 45 degree angular plane projected along the entire required rear yard setback, starting at a height of 10.5 metres above the average elevation of the ground 7.5 metres from the rear lot line.

Both site-specific zoning by-laws contain a Holding (H) symbol that states that the site may only be used for the existing uses or a sales centre until such time that the Holding (H) symbol is lifted. The site specific by-laws state that an amending by-law to remove the Holding (H) symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Director, Community Planning, North York District, and the Chief Engineer and Executive Director, Engineering and Construction Services, and Council:

- The owner submit Functional Servicing and Stormwater Management Reports acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
- (ii) The execution and registration of a development agreement between the owner of the lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development; and
- (iii) The receipt of all necessary approvals for the infrastructure required, as described (ii) above.

### **Site Plan Control**

An application for Site Plan Control has been submitted (File No. 18 265517 NNY 18 SA) and is currently under review by City Divisions and Agencies.

### COMMENTS

#### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement (2020), and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan and the Sheppard Lansing Secondary Plan. The development of the site with the proposed 6-storey residential building will provide residential intensification within the Sheppard Avenue West corridor at a scale in keeping with the vision of the corridor per the Sheppard Lansing Secondary Plan.

#### **Official Plan and Secondary Plan**

This application has been reviewed against the Official Plan policies and Sheppard Lansing Secondary Plan policies. The proposed residential use is permitted under the *Mixed Use Areas* designation and meets Official Plan and Secondary Plan policies related to built form, height, density, and appropriately transitions to the abutting lower density *Neighbourhoods* designation.

# Lifting of the Holding (H) Symbol

The development proposal was already considered and approved by City Council on June 18, 2019. No changes to that approved development are being proposed.

The Holding (H) symbol was placed on the lands due to existing sanitary sewer capacity issues. The applicant has now proposed to direct flows to the east where there is sufficient sewer capacity, therefore no upgrades will be required to accommodate the project. As the sanitary servicing solution is now acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services, the requirements of Zoning By-law 926-2019 and 927-2019 for lifting of the Hold have been met.

#### Servicing

A Sanitary Capacity Analysis was submitted to demonstrate that suitable sanitary capacity is available on Sheppard Avenue West to facilitate the proposed development. This application was circulated to Engineering and Construction Services for assessment. Engineering and Construction Services staff have advised that Toronto Water staff have accepted the proposed Sanitary Capacity Analysis and do not anticipate that the construction of the 6-storey building will have a negative impact on the sanitary system on Sheppard Avenue West, based on the consultant's report.

The applicant has submitted a Functional Servicing and Stormwater Management Report acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services, satisfying condition (i) of the site-specific by-laws. Given that the accepted servicing solution does not rely on municipal infrastructure upgrades, the applicant is not expected to enter into a development agreement with the City, and additional municipal infrastructure is not required, satisfying conditions (ii) and (iii) of the by-laws.

The applicant has satisfied the requirements of site-specific Zoning By-laws 926-2019 and 927-2019 and it is recommended that the Holding (H) symbol be removed in accordance with the attached draft Zoning By-law Amendment (see Attachments 6 and 7).

### **Community Consultation**

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

#### Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Sheppard Lansing Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms with the Toronto Official Plan and the Sheppard Lansing Secondary Plan. Staff are of the opinion that the requirements for lifting the Holding (H) symbol have been met and

recommend that Council support approval of the application to remove the Holding (H) symbol on the site.

#### CONTACT

Heather Au, Planner, Community Planning Tel. No. (416) 396-5570 E-mail: Heather.Au@toronto.ca

### SIGNATURE

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

#### ATTACHMENTS

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

Attachment 1: Application Data Sheet Attachment 2: Location Map Attachment 3: Official Plan Land Use Map Attachment 4: City of Toronto Zoning By-law 569-2013 Map Attachment 5: Former City of North York Zoning By-law 7625 Map Attachment 6: Draft Zoning By-law Amendment 569-2013 Attachment 7: Draft Zoning By-law Amendment 7625

#### **Applicant Submitted Drawings**

Attachment 8: Site Plan Attachment 9: Elevations Attachment 1: Application Data Sheet

Municipal Address: Application Number: Application Type: Project Description:	110 & 112 SHEPPARD AVE WDate Received:September 13, 201919 220777 NNY 18 OZRezoningApplication submitted to lift the Holding Symbol "H".								
Applicant THE BIGLIERI GROUP	Agent	Architect	Owner KENSING						
EXISTING PLANNING CONTROLS									
Official Plan Designation	on: Mixed Use Areas Site Specific Provision:								
Zoning: Height Limit (m):	C6 & C6(7)	Heritage Designation: Site Plan Control Area: Y							
PROJECT INFORMATION									
Site Area (sq m): 1,09	93 Frontage	e (m): 30	Depth (m):	31					
Building Data	Existing	Retained F	Proposed	Total					
Ground Floor Area (sq	m): 202		224	224					
Residential GFA (sq m)			2,722	2,722					
Non-Residential GFA (sq m):									
Total GFA (sq m):	202		2,722	2,722					
Height - Storeys: Height - Metres:	1		6 24	6 24					
Lot Coverage Ratio (%)									
Floor Area Breakdown Residential GFA: Retail GFA: Office GFA: Industrial GFA: Institutional/Other GFA	2,7	m) <b>Below Grac</b> 722	<b>le</b> (sq m)						

Residential Units by Tenure		Existing	Retaine	d	Proposed	Total		
Rental: Freehold:		2						
Condominium: Other:					30	30		
Total Units:		2			30	30		
Total Residential Units by Size								
	Rooms	Bachelor	1 Bedro	om	2 Bedroom	3+ Bedroom		
Retained:								
Proposed:				9	21			
Total Units:				9	21			
Parking and Load	ling							
Parking Spaces: 2	28	Bicycle Parking	Spaces:	24	Loading Do	ocks:		
CONTACT:								
Heather Au, Plann	er							
416-396-5570								
Heather.Au@toron	ito.ca							

#### Attachment 2: Location Map







Location of Application Neighbourhoods Mixed Use Areas





#### Attachment 4: City of Toronto Zoning By-law 569-2013 Map





#### Attachment 5: Former City of North York Zoning By-law 7625 Map

Attachment 6: Draft Zoning By-law Amendment 569-2013

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

To amend Zoning By-law No. 569-2013, as amended by By-law 926-2019, to remove the holding symbol (H) with respect to the lands known municipally in the year 2021 as 110 and 112 Sheppard Avenue West.

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol (H) have been satisfied;

WHEREAS Council is satisfied that the conditions relating to the holding symbol have been satisfied in order to lift the holding symbol in relation to the lands to which this bylaw applies; and

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

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

- 1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2. Zoning By-law 569-2013, as amended by By-law 926-2019, is further amended by removing the holding symbol (H) from the lands shown on the attached Diagram 2.

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

JOHN TORY, Mayor JOHN D. ELVIDGE City Clerk

(Corporate Seal)



IIE # 19 220777 ININT TO UZ

City of Toronto By-law 569-2013 Not to Scale 11/23/2021



File # 19 220777 NNY 18 OZ

City of Toronto By-law 569-2013 Not to Scale 11/23/2021 Attachment 7: Draft Zoning By-law Amendment 7625

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

To amend former City of North York Zoning By-law No. 7625, as amended by By-law 927-2019, to remove the holding symbol (H) with respect to the lands known municipally in the year 2021 as 110 and 112 Sheppard Avenue West.

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol (H) have been satisfied;

WHEREAS Council is satisfied that the conditions relating to the holding symbol have been satisfied in order to lift the holding symbol in relation to the lands to which this bylaw applies; and

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

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

1. Zoning By-law 7625, as amended by By-law 927-2019, is further amended by removing the holding symbol (H) from the lands outlined by heavy lines such that the designation is revised from "RM6(258)(H)" to "RM6(258)" as shown on Schedule '1' attached.

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

JOHN TORY, Mayor JOHN D. ELVIDGE City Clerk

(Corporate Seal)



File # 19 220777 NNY 18 OZ

City of Toronto Former By-law 7625 Not to Scale 11/23/2021



#### Attachment 9: Elevations



North Elevation