

2901 Bayview Avenue & 630 Sheppard Avenue East Application to Lift the Holding Provisions (H) - Decision Report- Approval

Date: June 1, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 17 – Don Valley North

Planning Application Number: 23 120411 NNY 18 OZ

Related Planning Application Numbers: 17 208789 NNY 24 OZ

SUMMARY

This application proposes to lift the Holding symbol (H) applying to a portion of the site (Area B) as set out in specific Zoning By-law No. 1261-2022 (OLT). This by-law permits the redevelopment of the site at 2901 Bayview Avenue and 630 Sheppard Avenue East with two six storey buildings, a 20-storey tower, and a commercial addition to the existing mall at the northeast portion of the site. This by-law also permits the redevelopment of the southwest portion of the site consisting of two towers with heights of 29 and 30 storeys connected by a single podium building. A new parking structure and the creation of new parkland is also permitted by the site-specific Zoning By-law.

Zoning By-law No. 1261-2022 requires that prior to lifting the Holding (H) symbol on Area B, the Chief Engineer and Executive Director of Engineering and Construction Services must be satisfied that the upgrades to the municipal sanitary sewer undertaken by the City of Toronto are complete and operational. The Chief Engineer and Executive Director of Engineering and Construction Services has confirmed that the upgrades to the sanitary sewer have been constructed and the Holding (H) symbol can be removed from Area B.

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) and the City's Official Plan. This report reviews and recommends approval of the application to amend site specific Zoning By-law No. 1261-2022 (OLT) to lift the Holding symbol (H) on Area B. By removing the Hold the Ontario Land Tribunal-approved development can proceed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 569-2013 as amended by site specific By-law No. 1261-2022(OLT), to remove the Holding symbol (H) on Area B with respect to the lands municipally known in the year 2022 as 2901 Bayview Avenue and 630 Sheppard Avenue East 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.

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

A Preliminary Report on the application was adopted by North York Community Council on October 17, 2017, authorizing staff to conduct a community consultation meeting. North York Community Council's decision and a copy of the report can be found at this web link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY25.7>

The applicant filed an appeal of the applications to the Ontario Municipal Board (now the Ontario Land Tribunal) under Case PL180148, citing City Council's failure to make a decision within the time frame prescribed by the *Planning Act*.

On November 16, 2018, the applicant submitted a revised proposal. On June 18, 2019, City Council adopted the recommendations of a report from the Director, Community Planning, North York District (May 13, 2019) directing the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) to oppose the revised application. City Council's decision and a copy of the report can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.8>

On April 24, 2020, the applicant resubmitted revised plans and drawings for the proposal on a "with prejudice" basis. Subsequent to that resubmission, the applicant filed an offer to settle its appeals "on the record" with the City on July 27, 2020. On July 29 and 30, 2020, City Council adopted the confidential recommendations of a report from the City Solicitor (July 21, 2020) in respect of the application and in anticipation of a 15-day LPAT hearing scheduled to commence September 21, 2020. The confidential recommendations of that Report (July 21, 2020) were not publicly disclosed. City

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Council's decision can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC23.17>

On September 3, 2020, the applicant filed a settlement offer "on the record" which was considered and adopted by City Council at their meeting on September 30, 2020. City Council's decision can be found at this link:

[Agenda Item History - 2020.CC24.8 \(toronto.ca\)](#)

On December 7, 2020, the LPAT issued a Decision and Interim Order which allowed the Applicant's appeals of the Zoning By-law Amendment and Official Plan Amendment applications. The Applications were approved in principle and in accordance with Settlement Proposal. The Final Order was withheld pending the Tribunal being advised by the City Solicitor that the conditions contained in that Order have been satisfied. The Ontario Land Tribunal's decision can be found here:

<https://www.omb.gov.on.ca/e-decisions/PL180148-DEC-07-2020.doc>

On August 12, 2022 the City and the Appellant advised the Tribunal that the conditions contained in the Interim Order have been satisfied. Subsequently, on August 15, 2022 the LPAT issued the Final Order as set out in the Settlement Proposal and subject to a Holding provision. The Ontario Land Tribunal's (OLT's) decision can be found here:

<https://www.omb.gov.on.ca/e-decisions/OLT-22-003585-AUG-15-2022-ORD.doc>

PROPOSAL

This application proposes to amend Zoning By-law No. 1261-2022 to lift the Holding (H) symbol on Area B, pertaining to the majority of the lands at 2901 Bayview Avenue and 630 Sheppard Avenue East as set out in the site-specific Zoning By-law. Zoning By-law No. 1261-2022 permits the redevelopment of the site with two development sites. The North site includes one 20-storey mixed-use building; two 6-storey mixed-use buildings; and a retail addition to the existing Bayview Village Shopping Centre. The South site includes two mixed-use towers with heights of 29 and 30-storeys connected by a single podium; and a 5-storey parking structure. Attachment 1 identifies the site location.

Reasons for Application

A Holding symbol (H) was placed on Area B of the site to limit the use of the lands until such time as the conditions for the removal of the Holding symbol had been fulfilled to the satisfaction of City Council. As set out in Section 10.(C).(i) of the site-specific Zoning By-law No. 1261-2022, the Holding (H) symbol on Area B may be removed following the completion of municipal sanitary sewer upgrades located at the north west corner of Sheppard Avenue East and Leslie Street intersection to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services. The Holding (H) Symbol must be removed in order to proceed with the development of the site.

Community Consultation

Community consultation is not required for an application to lift the Holding symbol (H) and, as such, a community meeting was not held for this application. However, community consultation was done at the time of the Official Plan and Zoning By-law Amendment applications.

Site Plan Control

Site Plan Control approval is required to permit the proposed development approved by the OLT. Site Plan Control applications (File Nos. 20 210389 NNY 17 SA, 20 210382 NNY 17 SA and 20 209869 NNY 17 SA) have been submitted and are under review.

POLICY CONSIDERATIONS

Various legislation and policies guide growth and development in Ontario, including the *Planning Act* and various Provincial Policies such as the Provincial Policy Statement (2020) (the "PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan").

For the purposes of the application to the remove the Holding (H) symbol from Area B of the site, key policy considerations were evaluated including the need to demonstrate that there is adequate capacity for sanitary sewer services to support the proposed development.

Consistency and conformity with these policies are further discussed later in the report.

Toronto Official Plan and Sheppard East Subway Corridor Secondary Plan

Through the earlier approval by the OLT of the above-noted zoning by-law amendments, conformity with the official plan and secondary plan were already considered and established. The placement of the Hold on Area B of the subject property and its future removal due to sanitary sewer capacity is in conformity with the official plan, specifically Chapter 5.

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

Zoning

The subject lands are zoned (H)CR 1.0 (c1.0; r0.0) SS2 (x821) and O(x5) in By-law 1261-2022(OLT), which permits the proposed mixed use buildings, the 5-storey parking structure and new parkland on site. The by-law also details specific development standards such as building heights, gross floor area, setbacks, indoor and outdoor amenity spaces, parking and loading provisions for the subject lands. These development standards will remain in place.

Section 10.(C).(i) of By-law 1261-2022(OLT) identifies the conditions under which the Holding (H) provision may be removed from Area B:

The upgrade of the last three 300 millimeter diameter sanitary sewer legs upstream of the sanitary trunk sewer to 675 millimeter diameter, located at the north west corner of Sheppard Avenue East and Leslie Street intersection, which works are being undertaken by the City of Toronto, are constructed and operational to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

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).

Policy 1.1.1 c) of the PPS directs healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 1.6.6.1 d) of the PPS also directs planning for servicing be integrated with land use considerations at all stages of the planning process. This application has addressed the servicing and capacity impacts of the proposed mixed-use development and is consistent with the PPS in this regard.

The application demonstrates that the conditions for removal of the Holding (H) provision for Area B have been met and there are no outstanding servicing or capacity issues pertaining to Area B and therefore does not conflict with the Growth Plan.

Official Plan and Sheppard East Subway Corridor 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 conforms with the Official Plan and the Sheppard East Subway Corridor Secondary Plan.

Lifting of the Holding Symbol (H)

Site specific Zoning By-law 1261-2022(OLT) amends Zoning By-law No. 569-2013 to permit the redevelopment of the lands subject to Holding provisions on both Area A and Area B as set out in Section 10 of Zoning By-law 1261-2022. This application proposes to remove the Holding (H) provision of Area B. The Holding provision will remain on Area A at this time.

The Holding (H) provision on Area B is to be lifted following the completion of infrastructure upgrades to the sanitary sewer located at the north west corner of Sheppard Avenue East and Leslie Street. The upgrades to the sanitary sewer system

undertaken by the City of Toronto and identified in Section 10.(C).(i) of Zoning By-law 1261-2022 have been deemed constructed and operational by the Chief Engineer and Executive Director of Engineering and Construction Services. As such, the condition to remove the Holding (H) symbol has been met.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Sheppard East Subway Corridor Secondary Plan. The proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal conforms with the Official Plan, particularly as it relates to the implementation of holding by-laws to secure appropriate servicing infrastructure to support growth.

The conditions that are required to be addressed prior to the lifting of the Holding (H) provision on Area B have been satisfied such that it can be removed. Staff recommend that City Council approve the proposed amendments to Zoning By-law 1261-2022(OLT) to remove the H symbol from Area B of the site to allow for the development of these lands.

CONTACT

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SIGNATURE

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

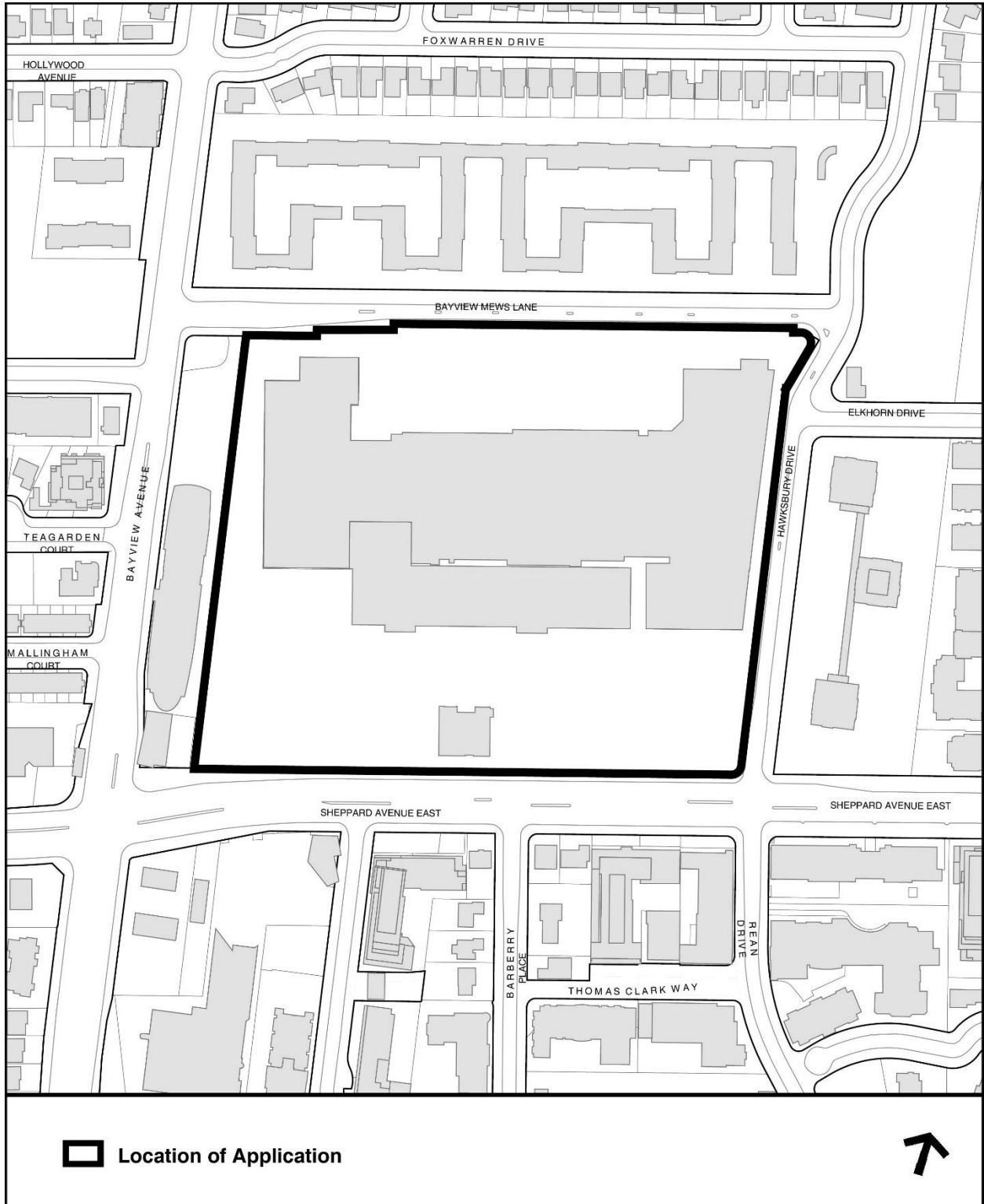
ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Draft Zoning By-law Amendment - 569-2013

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment - 569-2013

Authority: North York Community Council Item NY____, as adopted by City of Toronto Council on _____, 2023

CITY OF TORONTO

BY-LAW ____-2023

To amend Zoning By-law 569-2013, as amended by site specific By-law 1261-2022(OLT), to remove the holding symbol (H) from Area B with respect to the lands municipally known in the year 2022 as 2901 Bayview Avenue and 630 Sheppard Avenue East.

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 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 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 by-law 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 red lines on Diagram 1 attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended by removing the holding symbol "(H)" from Area B applying to the lands as shown on the attached Diagram 2.

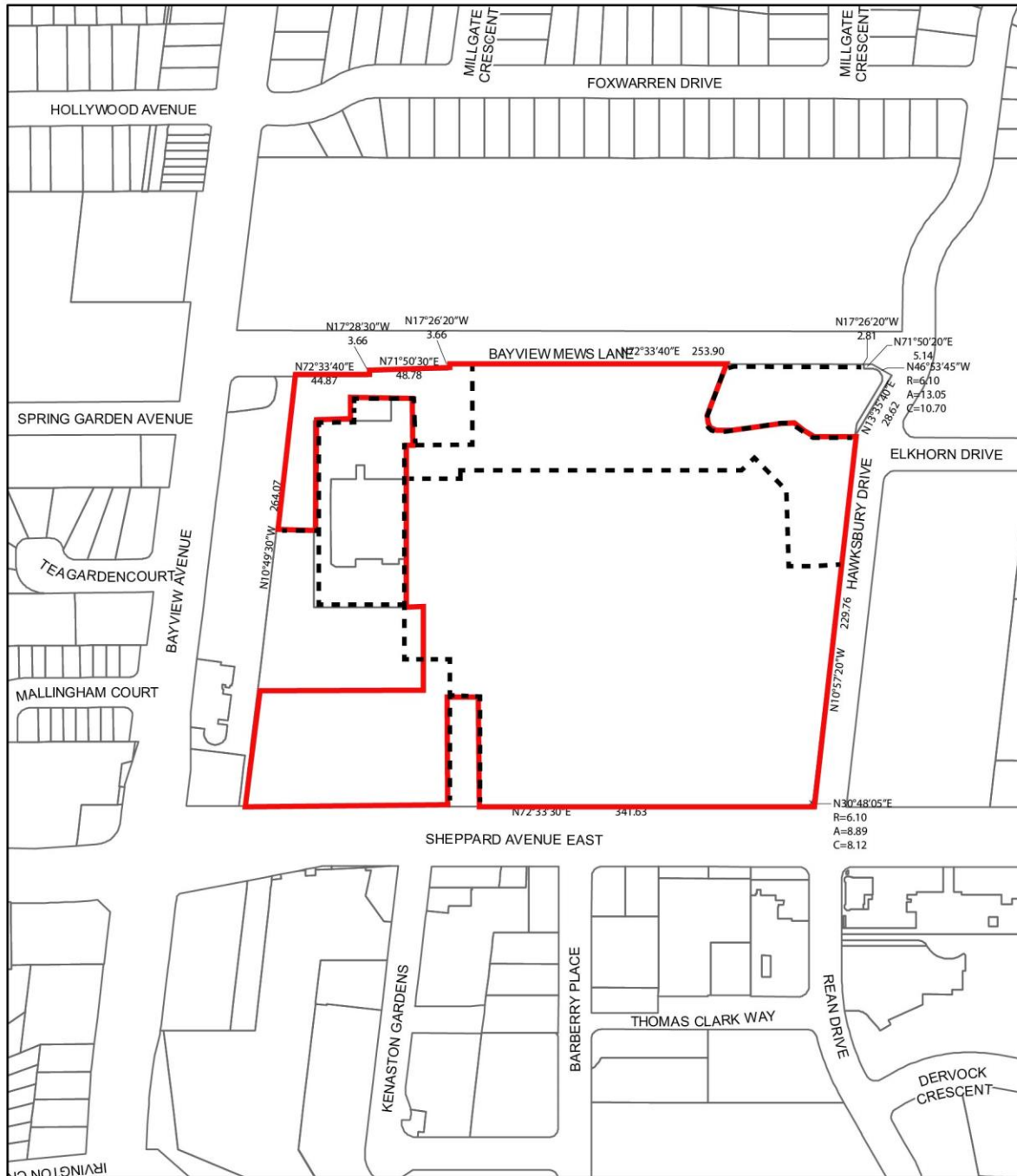
Enacted and passed on _____, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram '1'



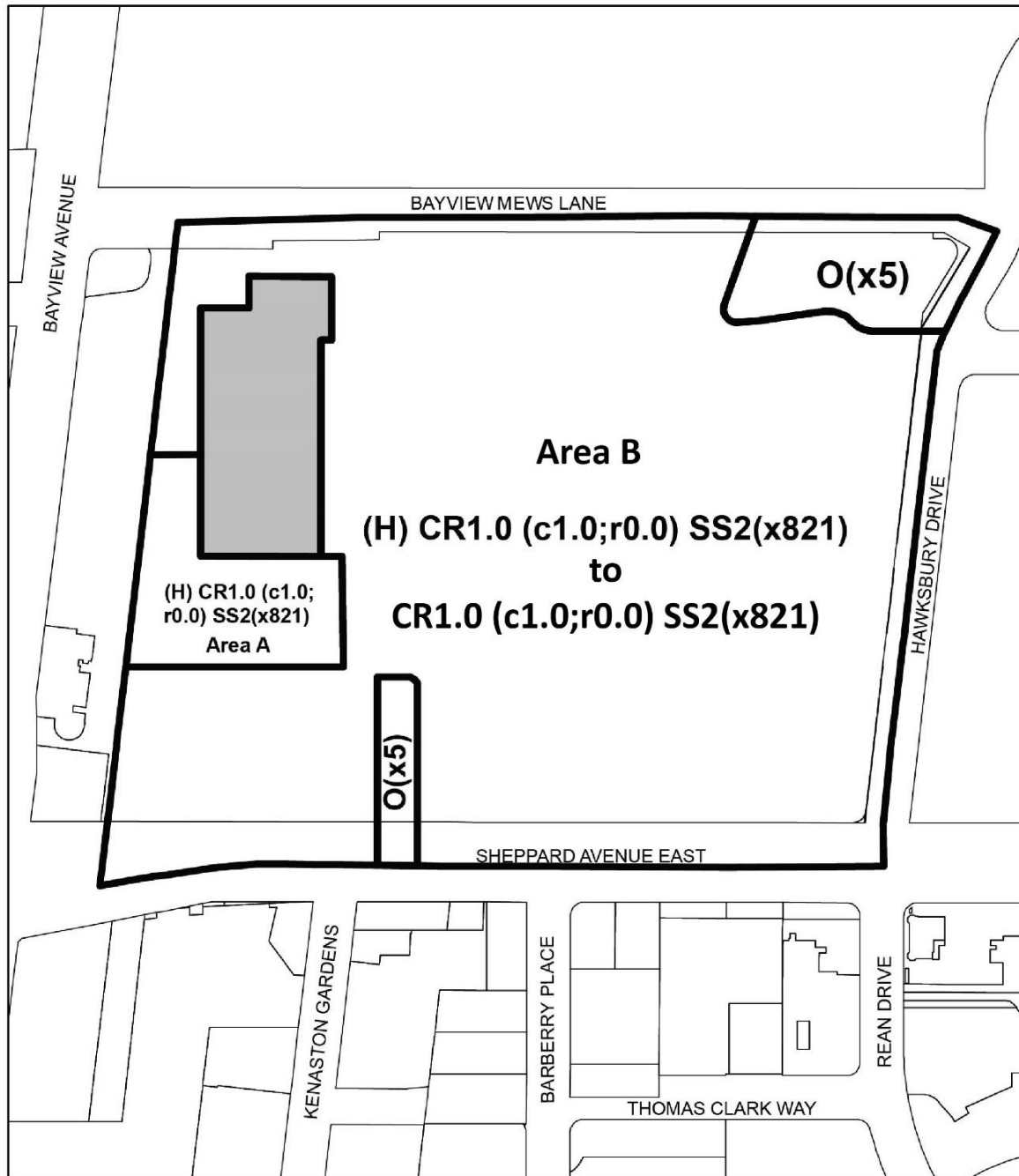
TORONTO
Diagram 1

2901 Bayview Avenue & 630 Sheppard Avenue East

File # 23 120441 NNY 18 0Z

City of Toronto By-law 569-2013
Not to Scale
05/09/2023

Diagram '2'



 **TORONTO**
Diagram 2

2901 Bayview Avenue & 630 Sheppard Avenue East

File # 23 120441 NNY 18 0Z

 Not part of this by-law


City of Toronto By-law 569-2013
Not to Scale
05/09/2023