

# **Review and Analysis of MC(H) Holding Zone within the City of Toronto Zoning Conformity Exercise for Official Plan Areas**

Prepared by Gladki Planning Associates for DUKE Heights BIA

SEPTEMBER 2021

gladki  
planning  
associates

## Introduction

This report is prepared regarding the proposed zoning framework bringing the City's zoning By-laws into conformity with OPA 231. We have reviewed the June 10, 2021 report on Zoning Conformity for Official Plan Employment Areas.

This memorandum addresses the zoning for properties within the DUKE Heights BIA area along the prominent thoroughfares of Sheppard Avenue West, Dufferin Street, Finch Avenue West, Keele Street and Steeles Avenue West, which are generally not included within the City-wide Zoning By-law framework. The majority of these properties are zoned under Former North York Zoning By-law 7625 and a holding symbol is applies to these properties. This holding symbol limits available uses within these areas subject to an application to lift the "H" and the submission and review of a transportation impact assessment.

This zoning provision only applies to select properties in North York and particularly within the DUKE Heights BIA area. This memorandum presents this requirement as an outdated zoning permission which should be removed to allow for consistent policies to apply for employment areas across the City.

The report provides additional information regarding the use of the "H" in North York and the impact of the holding symbol as a barrier to development. This report recommends that the City draft a timely report on an approach for removing the "H" on main streets within the DUKE Heights BIA and beyond in North York.

This report provides planning analysis of the proposed amendments introduced by the City of Toronto to the City-wide zoning By-law framework and provides a summary of the proposed impacts on properties across the DUKE Heights BIA area.

## Recommendation

**DUKE Heights BIA requests that as a part of the current review and conformity exercise, the Committee direct City Planning to examine and report back to the committee regarding the removal of the holding By-laws which apply to properties within the DUKE Heights BIA area and across the City.**

## Background

A holding symbol applies to properties along major routes within the DUKE Heights BIA. Currently within this zone Retail and Personal Service uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m<sup>2</sup> and Office Uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m<sup>2</sup>.

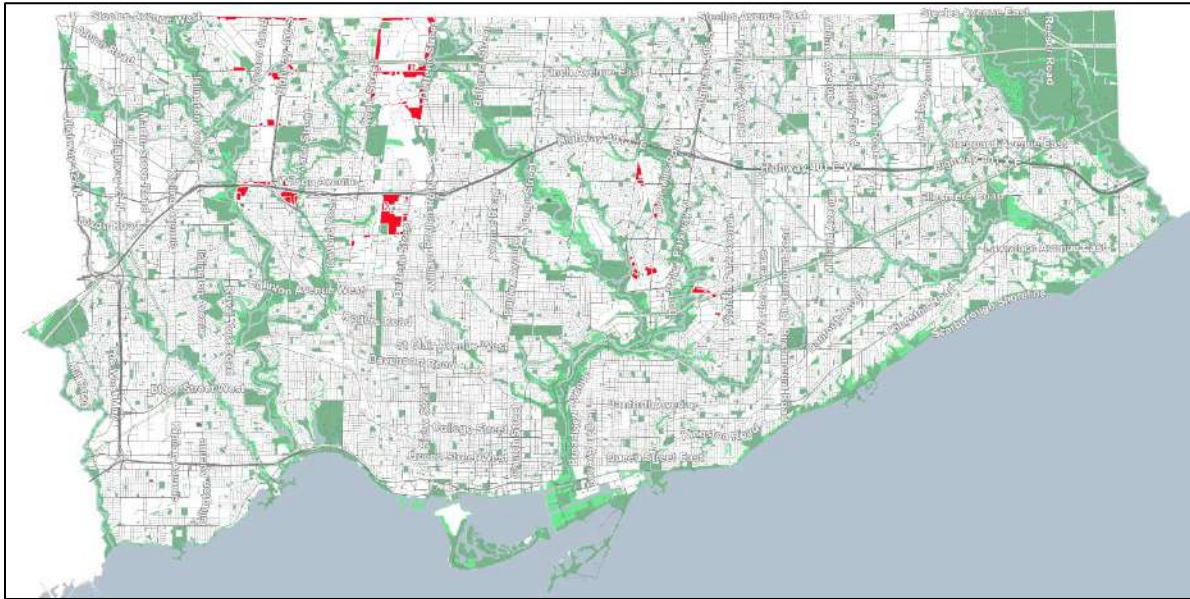


Figure 1 - Properties zoned using the MC Holding Zone "H" across the City of Toronto Shown in Red

Properties subject to the MC(H) holding zone in North York were not included within City-wide By-law 569-2013 as it was approved. In these areas, these properties are zoned under former North York By-law 7625. This By-law applies the policy direction of the former City of North York Official Plan regarding the implementation of the Plan, limiting particular uses and seeking that criteria be fulfilled prior to the enactment of an amendment which removes the “H”.

Consequently, following the amalgamation of the City of Toronto, and the passing of Toronto’s Official Plan, these areas remain subject to policy of the former City of North York.

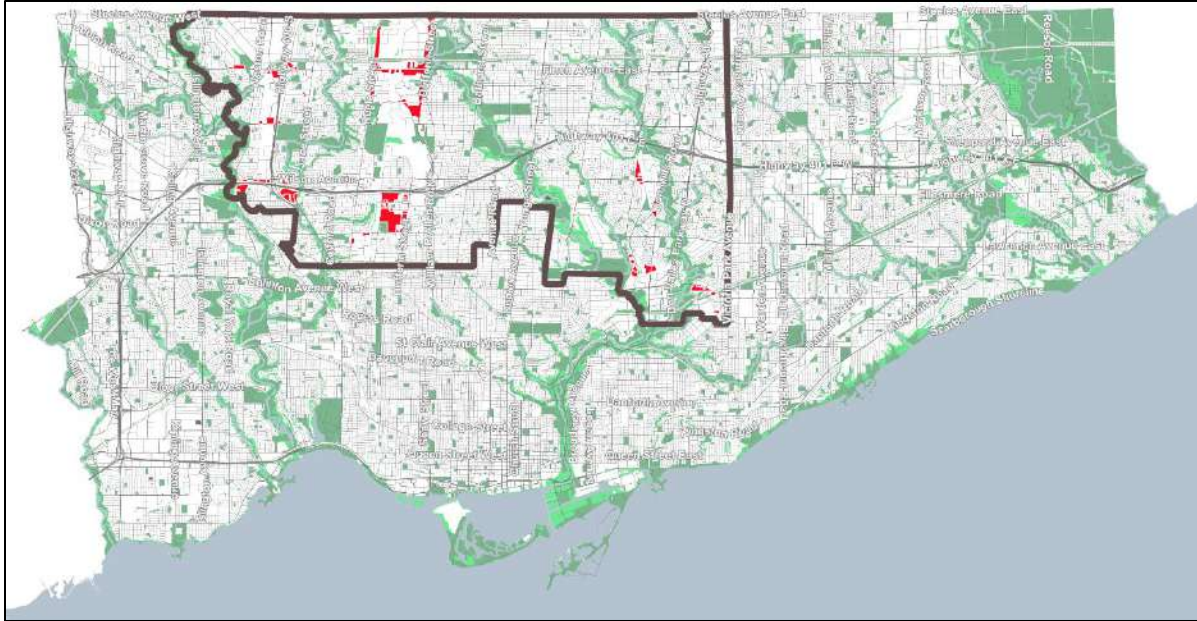


Figure 2 Properties zoned using the MC Holding Zone "H" across the City of Toronto Shown in Red, Former City of North York Boundary in Black

The MC(H) holding zone applies to properties across the former City of North York but is particularly prevalent within the DUKE Heights area, applying to the majority of properties fronting major routes in the area.

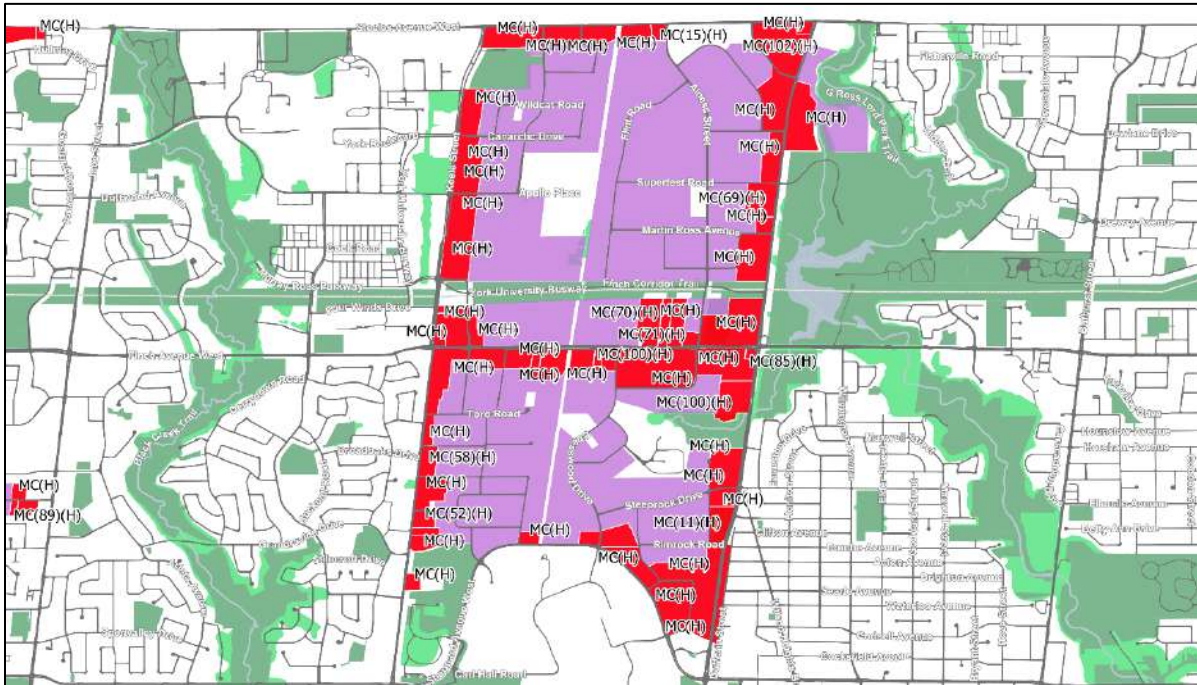


Figure 3 - Properties zoned using the MC Holding Zone "H" across the City of Toronto Shown in Red, Employment Areas Zoned Under By-law 569-2013 shown in Purple

As the Policy was originally conceived of as presented in the 1991 City of North York Official Plan, the plan limited Office uses within these zones. Subject to Sub-section 7.2.0 *Holding Zones – Office Uses in Industrial Areas* of the former City of North York Official Plan, criteria were set forth to lift holding By-law. The plan limited office buildings in industrial districts due to concern regarding the capacity of the former City's arterial road system and sanitary sewer capacity.

The policy would be further amended to also include limits on personal service and retail uses subject to the satisfactory review of a transportation report. Currently within this zone, Office uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m<sup>2</sup>. The submission and acceptance of a transportation impact assessment and an application to amend the By-law to lift the holding zone are required.

The holding zone is not consistent with more recent policy direction through the City of Toronto Official Plan. The City of Toronto Official Plan permits Office uses within Core and General Employment Area designations and particularly in proximity to transit and rapid transit services.

A similar holding zone does not apply to other areas of the City. Some limitations on the FSI of Office uses exist within other zones in employment areas including the Employment Industrial Office Zone (EO) within Zoning By-law 569-2013. These zoning tools however typically encourage a greater density of Office Uses relative to other potential employment permissions as it does for example for properties located along Overlea Boulevard in East York where industrial and intensive employment uses are limited to an FSI of 0.75 while Office uses are given full permissions.

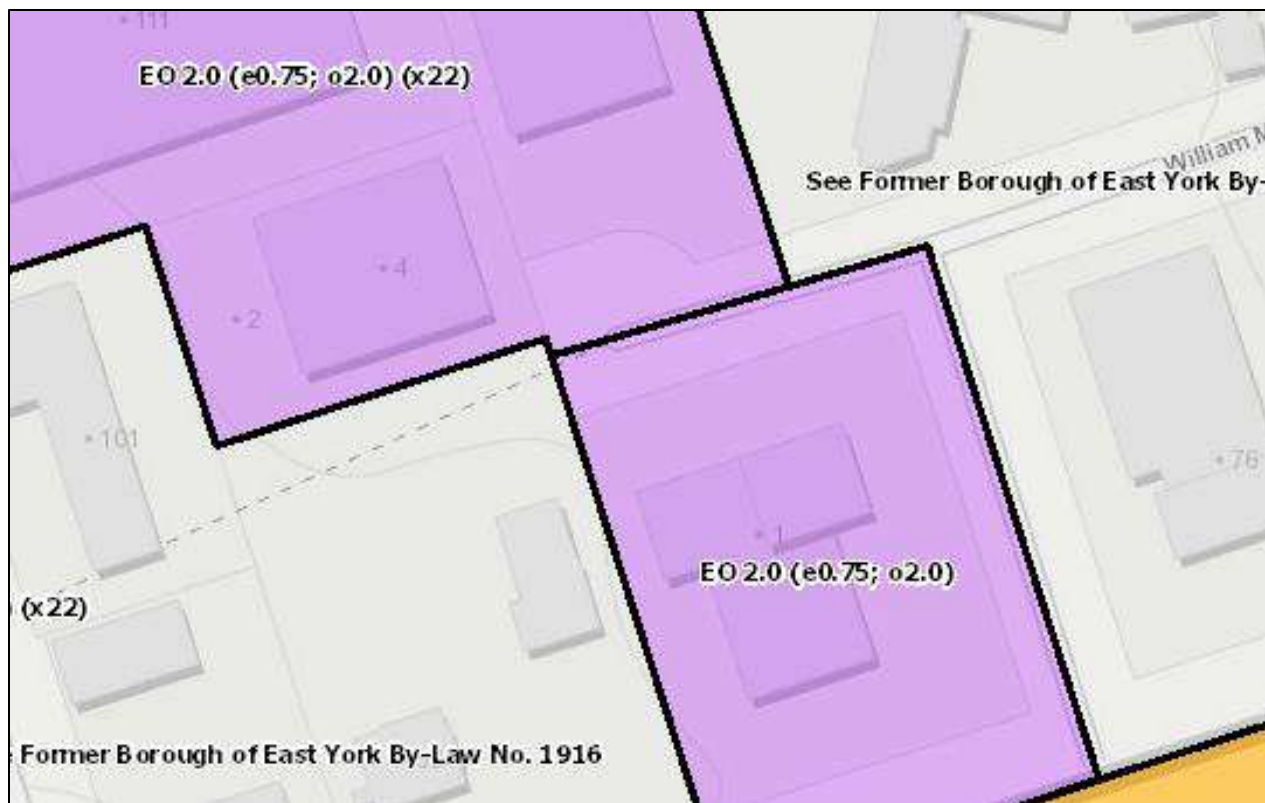


Figure 4 - Office Permissions within EO Zone

## Development Review

The development and redevelopment of commercial and industrial buildings in Toronto is subject to Site Plan Control subject to the Toronto Municipal Code and Section 114 of the City of Toronto Act and Section 41 of the Planning Act.

This authority provides a process that examines the design and technical aspects of a proposed development to ensure it is attractive and compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. Features such as building designs, site access and servicing, waste storage, parking, loading and landscaping are reviewed.

A transportation study is often required during development review:

- Transportation Impact Study (OPA/ZBA/SUB/SPA)
- Traffic Operations Assessment (SPA)

## Conclusion

At best, the “H” is an unnecessary duplication of normal City requirements for development review as the requirements may be secured as enacted by the Municipal Code, City of Toronto Act, and Planning Act for Site Plan Control and other development applications.

Further, it deters development activity and impedes the creation of additional employment and uses supportive of employment areas. The continuation of the “H” symbol presents an additional hurdle and discourages development applications where it applies, impacting the creation of additional jobs.

DUKE Heights BIA requests that as a part of the current review and conformity exercise, the Committee direct City Planning to examine and report back to the committee regarding the removal of the holding By-laws which apply to properties within the DUKE Heights BIA area and across the City.

This is sought to achieve multiple objectives including:

- Enacting consistent application of policies for employment areas throughout the City and for the consistent implementation of the planning policy framework;
- Allowing as-of-right office development within various employment areas and particularly for properties served by transit and in proximity to rapid transit service; and,
- Removing a significant barrier to the operation and expansion of employment uses in employment areas.