

## 90 Sloping Sky Mews - Fort York Neighbourhood (Block 3A) Rezoning Application to Remove the Holding Symbol (“h”) Final Report

<b>Date:</b>	January 24, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	07-288438 STE 19 OZ

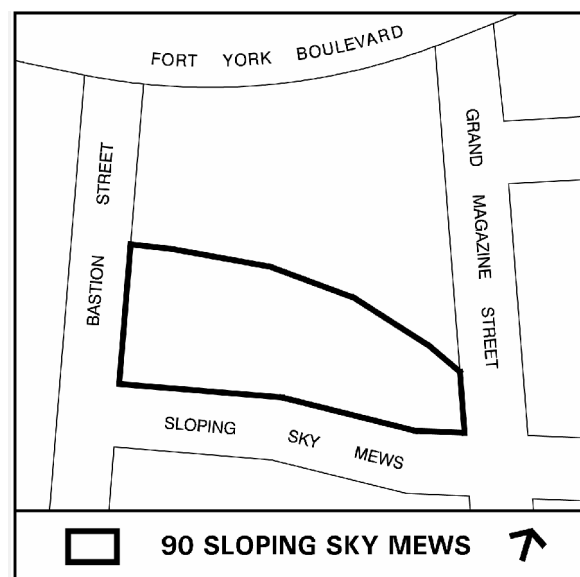
### SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

A zoning by-law amendment application has been filed proposing the removal of the holding symbol (“h”) from Block 3A on the lands municipally known as 90 Sloping Sky Mews (Block 3A in the Fort York Neighbourhood (“FYN”)) to allow residential development with street related retail and service uses to proceed.

The official plan policies in the FYN contemplate removal of a holding symbol when specific conditions have been satisfied which relate to ensuring comprehensive development of adjacent blocks and to addressing potential impacts on residential development associated with existing industrial operations in the FYN.

This report reviews and recommends approval of the application to amend Zoning By-law No. 1996-0245, as amended, to remove the holding symbol and associated provisions from the subject lands.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1996-0245, as amended, in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to remove application of the holding symbol (“h”) from 90 Sloping Sky Mews (Block 3A in the Fort York Neighbourhood);
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. the Bills related to the Zoning By-law Amendment not be introduced to Council for enactment until the owner of Block 3A has:
  - a. submitted a Development Context Plan respecting Blocks 3 and 3A satisfactory to the Chief Planner and Executive Director in accordance with Sections 4.6.2, 9.2.5 and 9.2.6 of the Fort York Neighbourhood Part II Plan (or Fort York Neighbourhood Secondary Plan as applicable);
  - b. entered into an agreement satisfactory to the City Solicitor to amend the Amended and Restated Section 37 Agreement applying to Block 3A to:
    - i) reflect the intention of the owner with respect to the comprehensive development of adjoining Blocks 3 and 3A of the Fort York Neighbourhood as contemplated in the Development Context Plan;
    - ii) require that if the industrial uses are continuing on all or part of Blocks 2, 3 or 4/4A in the Fort York Neighbourhood and the owner wishes to proceed with residential development on Block 3A that, prior to the issuance of an above grade building permit for any building or structure on that block, the owner shall satisfy the obligations set out in section 4.6.3 b) of the Fort York Neighbourhood Part II Plan (or Fort York Neighbourhood Secondary Plan as applicable); and
4. City Council authorize the execution of applicable amending agreements with the owner of Block 3A on the terms and conditions set out in this report.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

OPA No. 269 to the former City of Toronto Official Plan was approved by the Ontario Municipal Board on September 15, 2003 (By-law No. 1021-2002(OMB)). It identified a

“Holding Symbol Area” within Fort York Neighbourhood Part II Plan and added provisions for use of the holding symbol pursuant to Section 36 of the Planning Act.

The policies allow the use of a holding symbol in two circumstances. Firstly, where a subject property is adjacent to lands held under different ownership and not separated by a street and, secondly, where residential uses are proposed in such proximity to industrial activity that adverse effects may result.

By-law No. 1996-0245, as amended, is a site specific zoning amendment applying to Blocks 3A, 3B and 5 in FYN. Pursuant to Report No. 8, Clause 13 of the Toronto East York Community Council, Council authorized amendment to By-law No. 1996-0245 to impose a holding symbol (“h”) on Blocks 3A. The reasons related to ownership as well as the proximity of the site to industrial operations (adjacent), namely a cement batching plant operated by St. Marys Cement Inc. (Canada) (“St. Marys”). The amendment was implemented through By-law No. 870-2003. By-law No. 1996-0245 was also subsequently amended by By-law No. 708-2005.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant has submitted a zoning by-law amendment application to amend Zoning By-law Nos. 1996-0245, as amended, to remove the holding symbol (“h”) applying to Block 3A in the Fort York Neighbourhood. This will permit residential development with grade related retail and service uses to proceed in accordance with the underlying zoning.

### **Site and Surrounding Area**

The site is known municipally as 90 Sloping Sky Mews and is within the area bounded by Fort York Boulevard (north), Sloping Sky Mews (south), Grand Magazine Street (east) and Bastion Street (west).

The surrounding uses include:

North: Block 3 - an undeveloped site zoned for residential development currently leased and used for cement batching operations by St. Marys Cement Inc. (Canada).

South: Sloping Sky Mews and Block 3B – residential development under construction.

East: Grand Magazine Street and Block 4A – an undeveloped site zoned for mixed commercial-residential development currently used for surface parking.

West: Bastion Street and the proposed June Callwood Park.

## **Zoning**

Block 3A is zoned as “R4(h)” residential. Permitted uses under the existing holding provisions include temporary sales showrooms, non-habitable buildings, structures or improvements integral to development on adjacent properties and surface parking.

## **Reasons for Application**

The holding symbol (“h”) needs to be removed to allow the lands to be developed in accordance with the underlying zoning. See Attachment 1.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

Pursuant to the applicable Part II Plan policies, the conditions for removal of a holding symbol are dependent upon the reasons it was imposed. When the (“h”) relates to comprehensive development of adjacent blocks the owner must i) show that the subject lands have merged in ownership with adjacent lands; or ii) submit a Development Context Plan in accordance with policies s. 9.2.5 & s. 9.2.6 (s. 4.6.2). When the (“h”) relates to existing industrial activity where residential development is proposed the owner must i) show that the industrial activity has ceased or that, in all likelihood, it will cease within a reasonable specified date; or ii) where the industrial use is to continue, submit a report in accordance with Ministry of Environment Compatibility Guidelines (Industrial and Sensitive Land Uses) and make arrangements satisfactory to the Director of Technical Services for incorporation of appropriate mitigation measures (s. 4.6.3).

The industrial activity relevant to the development on Block 3A relates to the existing cement batching operations by St. Marys on all or part of Blocks 2, 3 and 4/4A. St. Marys no longer owns the lands but leases from respective owners of those blocks. Staff have been provided with confirmation that St. Marys is required to vacate its premises on or before August 2009 and plans to move to the Port Lands. Based on this information, Staff are satisfied that operations will cease on or before a reasonably specified date thereby allowing removal of the (“h”). However, given the extended timeframe, as added assurance Staff recommend that the owner be required to execute an amendment to the Amended and Restated Section 37 Agreement applicable to the Block 3A lands to require submission of a report related to Ministry of Environment compatibility guidelines and arrangements for incorporation of mitigation measures prior to issuance of any above-grade permit on Block 3A if the St. Marys industrial activities are continuing at that time. The bills should not go forward until this has been completed.

The holding provision also relates to the ownership of Blocks 3 and 3A. The owner of Block 3A is a corporate entity. A related entity with the same beneficial owners recently purchased Block 3 and associated lands following a consent approval. The owner has advised that the intent is that these parcels will be designed and developed in a comprehensive manner once the cement batching operations cease on Block 3. The Block 3A and 3 related lands remain capable of independent conveyance and although title is held by related entities, the ownership of Blocks 3 and 3A has technically not

merged. Accordingly, in the circumstances, staff recommend that the draft Zoning Amendment attached as Attachment 2 be held pending submission of a Development Context Plan satisfactory to the Chief Planner and Executive Director. Staff also recommend that the Amended and Restated Section 37 Agreement applicable to the Block 3A lands be amended to reflect the intent to develop Blocks 3 and 3A comprehensively as contemplated in the Development Context Plan prior to the bill going forward.

The Fort York Neighbourhood Part II Plan of the former City of Toronto Official Plan continues to apply to the FYN. The policies and land use designations of the new Official Plan were not put into effect in FYN pending resolution of appeals related to the Fort York Neighbourhood Part II Plan. The appeals are resolved and approval of the Fort York Neighbourhood Secondary Plan of the new Toronto Official Plan is expected in the near future. The documents have parallel holding provisions such that the recommendations of this report will not be affected.

## **Conclusion**

It is appropriate for Council to amend Zoning By-law No. 1996-0245, as amended, to remove application of the holding symbol (“h”) from Block 3A in the Fort York Neighbourhood. Staff are satisfied that the conditions for removal of the (“h”) set out in the official plan policies have or will be satisfied provided the requirements set out in the recommendations of this report are met prior to the bill being put forward for enactment. Removal of the holding symbol (“h”) will facilitate the orderly development of the site.

## **CONTACT**

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Fax No. (416) 392-1330  
E-mail: dsilver2@toronto.ca

## **SIGNATURE**

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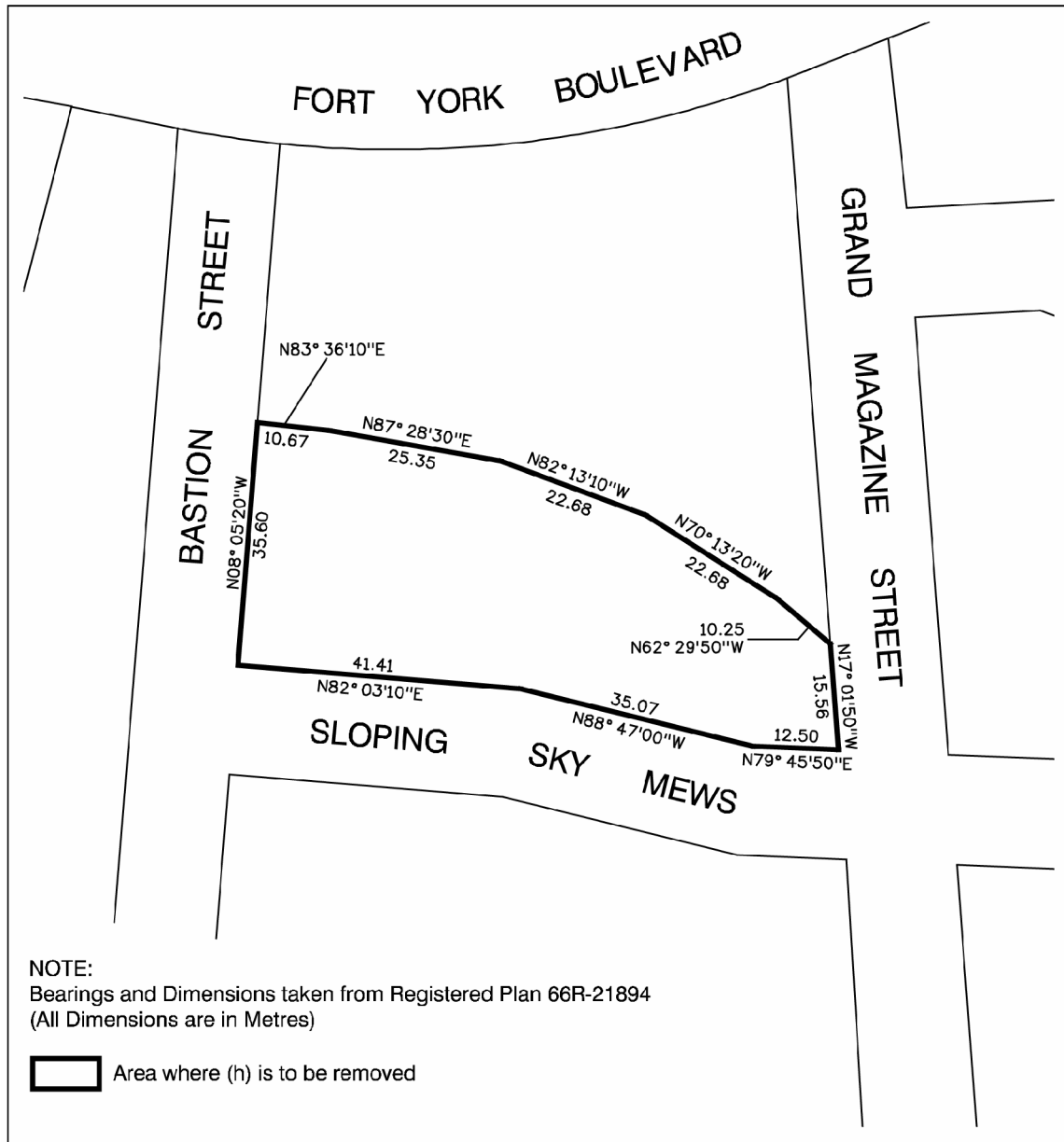
Gary Wright, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Area where (h) is to be Removed  
Attachment 2: Draft Zoning By-law Amendment

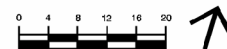
# Attachment 1: Area where (h) is to be removed



Area where (h) is to be removed

90 Sloping Sky Mews

File # 07\_288438



Zoning By-law 438-86 as amended  
 01/23/08 - DR

## **Attachment 2: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ [or Report No. ~,  
Clause No. ~] as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 2008

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2008**

**To amend Zoning By-law No. 1996-0245, as amended, with respect to the lands municipally known as 90 Sloping Sky Mews being Block 3A in the Fort York Neighbourhood**

WHEREAS authority is given to Council by Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, for use of a holding symbol (“h”) in conjunction with any use designation, to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning by-law;

WHEREAS there are official plan policies in effect addressing the use of the holding symbol in the Fort York Neighbourhood;

WHEREAS it is appropriate that the “h” holding symbol be removed in relation to the subject lands; 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*;

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

1. By-law No. 1996-0245, as amended, being “A By-law to amend By-law No. 438-86, the General Zoning By-law, as amended, and By-law No. 1995-0466, with respect to the portions of 640 Fleet Street (known as the Molson Lands), being blocks 3A, 3B and 5 and the proposed parks and streets”, is further amended by:
  - (1) deleting Plan 2 and replacing it with the plan attached hereto as Schedule “1”; and
  - (2) deleting “and R4(h)” after “R4” in Section 2.

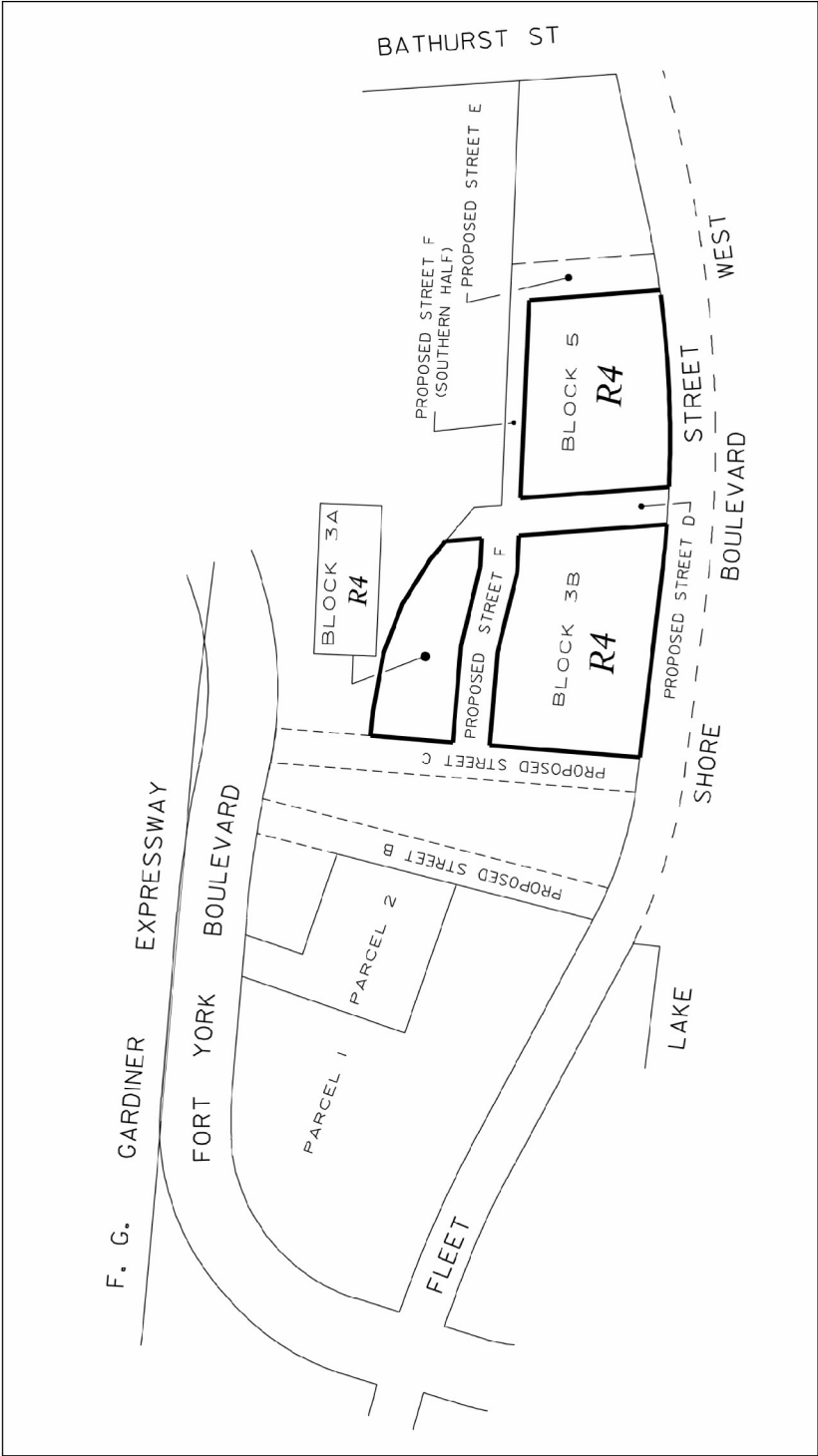
ENACTED AND PASSED this ~ day of ~, A.D. 2008.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

Schedule “1”



**Toronto** City Planning  
Plan 2 : Appendix C (Amending By-Law 1996-0245)

File #07\_288438

↑  
Not to Scale  
01/23/08