

**75 Iannuzzi St – Fort York Neighbourhood (Block 6)
Rezoning Application to Remove the Holding Symbol
("h") – Final Report**

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| Date: | August 18, 2009 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 19 – Trinity-Spadina |
| Reference Number: | 08 201212 STE 19 OZ |

SUMMARY

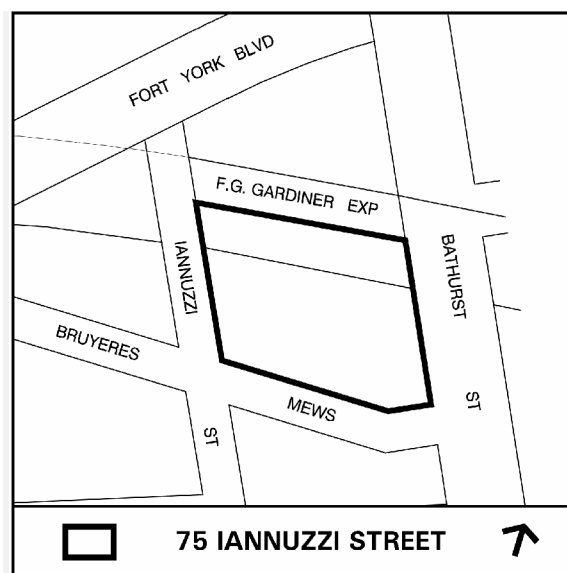
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

A zoning by-law amendment application has been filed proposing the removal of the holding symbol ("h") from the CR (Commercial Residential) zoning on the southerly portion of Block 6 in the Fort York Neighbourhood ("FYN") (see attachment 1). The southerly portion of Block 6 is municipally known as 75 Iannuzzi Street. The removal of the holding symbol will permit a mix of commercial and residential development to proceed.

This report reviews the applicable Official Plan policies and recommends approval of the application to amend Zoning By-law No. 351-2006 (OMB), as amended, to remove the holding symbol and associated provisions applicable to Block 6.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council amend Zoning By-law 351-2006(OMB) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2, to remove the holding symbol (“h”) from that part of Block 6 in the Fort York Neighbourhood municipally known at 75 Iannuzzi Street; and
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 recommendations in this report have no financial impact.

DECISION HISTORY

Official Plan Amendment No. 269 to the former City of Toronto Official Plan was approved by the Ontario Municipal Board (OMB) on September 15, 2003. It identified a “Holding Symbol Area” within the Fort York Neighbourhood Part II Plan and added provisions for use of the holding symbol pursuant to Section 36 of the Planning Act.

The FYN Secondary Plan in the new Official Plan was approved by the Ontario Municipal Board on July 28, 2008. The FYN Secondary Plan carried over the same holding symbol provisions from the Part II Plan.

By-law No. 351-2006(OMB) is a site specific zoning amendment which implements the holding symbol over the portion of Block 6 that lies south of the Gardiner Expressway. The reason for the holding symbol is related to proximity to a cement batching plant operated by St. Marys Cement Inc. (Canada) (St. Marys), and St. Marys right of access over the subject lands to Bathurst Street for its operations..

ISSUE BACKGROUND

Proposal

The applicant has submitted a zoning by-law amendment application to amend Zoning By-law No. 351-2006 (OMB), as amended, to remove the holding symbol (“h”) applying to Block 6. This will allow commercial/residential development to proceed in accordance with the underlying CR zoning.

Site and Surrounding Area

Block 6 is located in the Fort York Neighbourhood and lies within the area bounded by Fort York Boulevard (north), Iannuzzi Street (west), Bruyeres Mews (south) and Bathurst Street (east). The Gardiner Expressway bi-sects Block 6 and therefore Block 6 is commonly referred in two parts; either Block 6N (includes portion north of the Gardiner Expressway) or Block 6S, (includes portion south of the Gardiner Expressway). The dividing line between Block 6S and 6N is directly underneath the Gardiner Expressway. The holding symbol only relates to Block 6S.

The surrounding uses include:

North: Fort York Boulevard and the historic Fort York site.

South: Bruyars Mews, mixed-use development Blocks 6A and 7 in the FYN and Lake Shore Boulevard West.

East: Bathurst Street, proposed mixed-use development Block 37 in the Railway Lands and the Amsterdam Brewery.

West: Proposed mixed use development Blocks 4 and 3 and the proposed June Callwood Park in the FYN.

Zoning

The southerly portion of Block 6 is currently zoned “CR(h)”, Commercial Residential. Permitted uses under the existing holding provisions include temporary showrooms, non-habitable buildings and surface parking.

Site Plan Control

To date, a site plan control application has not been submitted for any part of Block 6.

Reasons for Application

The holding symbol (“h”) needs to be removed to allow the lands to be develop in accordance with the underlying CR zoning of Block 6.

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

The FYN Secondary Plan 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. The reason for the holding symbol on the southerly portion of Block 6 related to proximity to a cement batching plant operated by St. Marys Cement Inc. (Canada) (St. Marys), and St. Marys right of access over the subject lands to Bathurst Street for its operations.

Pursuant to the applicable FYN Secondary Plan policies, the conditions for removal of a holding symbol when the (“h”) relates to a site’s proximity to industrial activity are:

- i) the owner must 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.

The St. Marys cement batching operations in the Fort York Neighbourhood have now ceased following St. Marys relocation to the Portlands. The owner of the subject lands has confirmed that the St. Marys lease has been terminated, including any rights of access to Bathurst Street for its operations. Staff are satisfied that the condition (i) to allow removal of the holding symbol has been met.

Conclusion

It is appropriate for Council to amend Zoning By-law No. 351-2006(OMB) to remove the holding symbol (“h”) from that part of Block 6, known municipally as 75 Iannuzzi Street, in the Fort York Neighbourhood. Staff are satisfied that the conditions for removal of the holding symbol set out on the FYN Secondary Plan polices have been satisfied.

CONTACT

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SIGNATURE

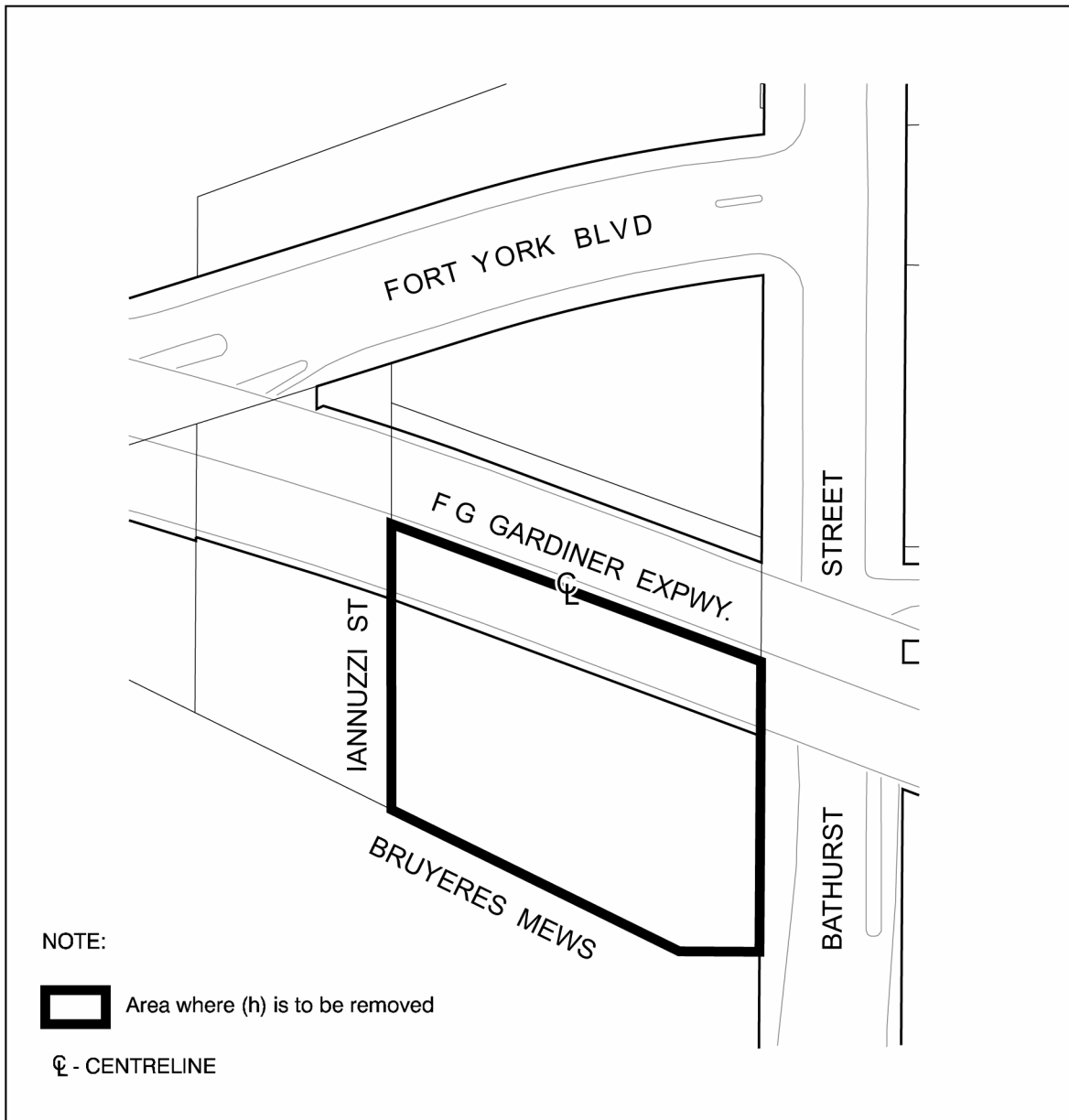
Raymond David, Director
Community Planning, Toronto and East York District

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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

75 Iannuzzi Street

File # 08_201212



Not to Scale
08/07/2009

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 ~, 2009
Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

To amend and remove the holding symbol from Zoning By-law No. 351-2006(OMB), being a by-law “To amend the General By-law No. 438-86, as amended, of the former City of Toronto and By-law No. 1995-0466, as amended with respect to the lands municipally known as 20, part of 22, 22A and 24 Bathurst Street” applicable to the lands municipally known in the year 2009 as 75 Iannuzzi Street, being part of Block 6 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.351-2006(OMB), being a by-law “To amend the General By-law No. 438-86, as amended, of the former City of Toronto and By-law No. 1995-0466, as amended”, is amended to remove the holding symbol (“h”) from the subject lands by:
 - (1) deleting Plan 2 and replacing it with the plan attached hereto as Schedule “1”;
 - (2) deleting ", and "CR(h)" after the words "*Block 6 and Block 6A* to "CR"" in Section 2; and
 - (3) deleting Section 12 in its entirety.

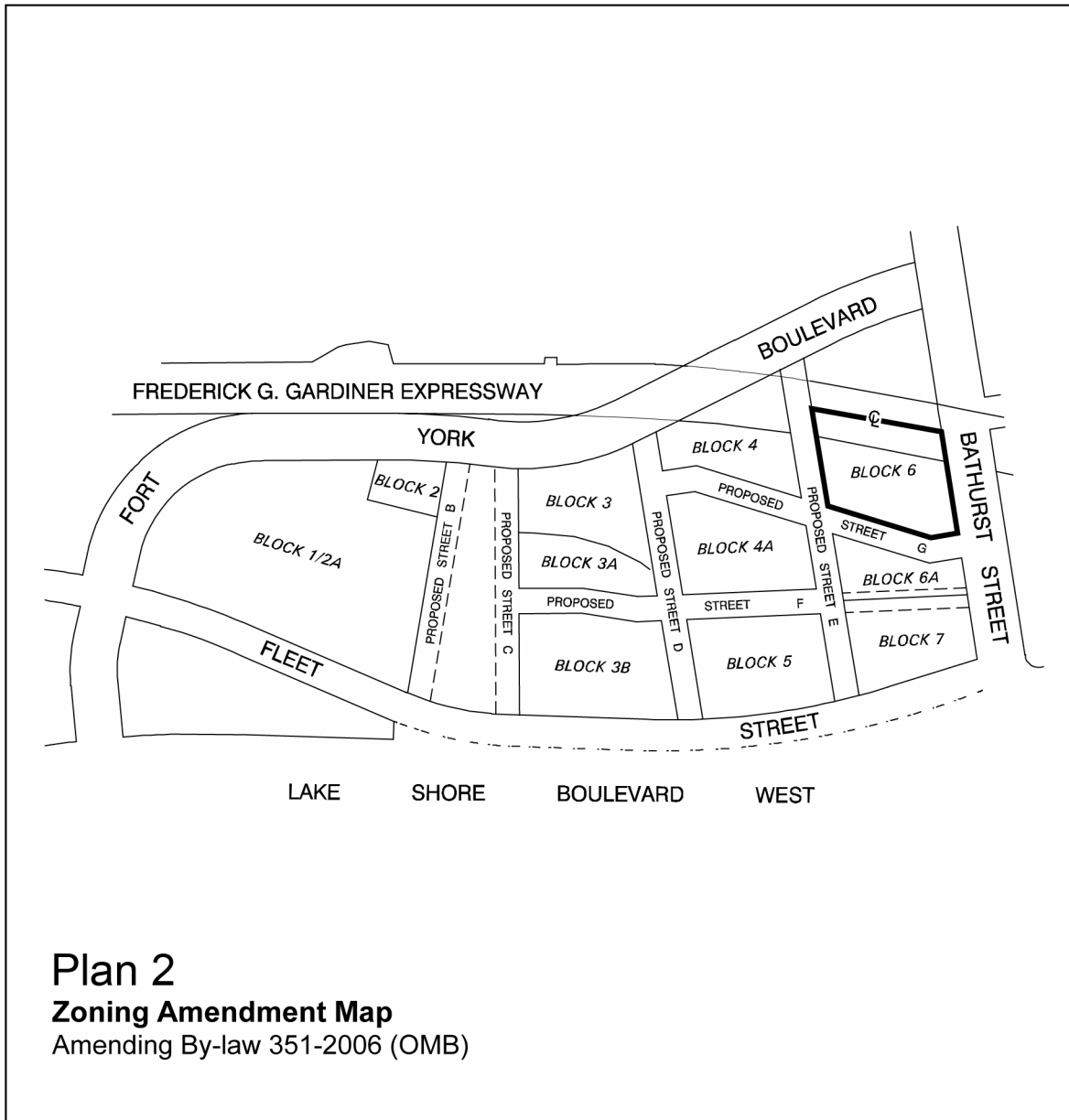
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "1"



Toronto City Planning
 Schedule 1

75 Iannuzzi Street

File # 08_201212



Not to Scale
 08/07/2009