

## 20 Perth Avenue (Block 1 of 158 Sterling Road) – Zoning Amendment Application (Removal of the Holding Symbol "H") – Final Report

<b>Date:</b>	June 5, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	17-125434 STE 18 OZ

### SUMMARY

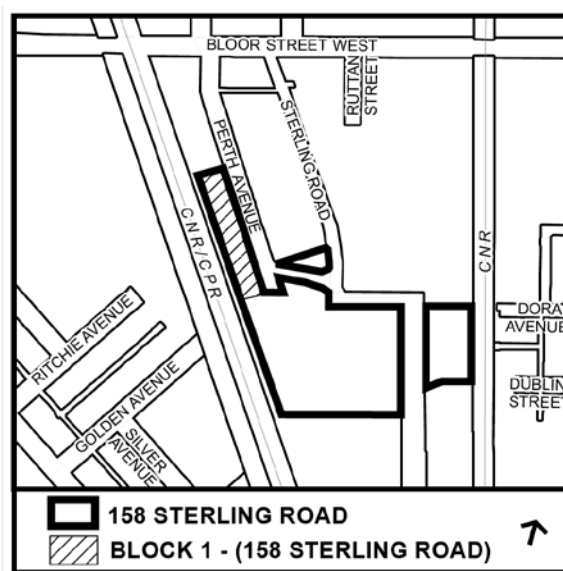
This application proposes to remove the holding symbol ("h") from Zoning By-law 943-2015 (OMB) for a portion of the lands at 20 Perth Avenue (Block 1 of 158 Sterling Road), to permit the development of 32 townhouse units on the site.

This report outlines the status of the conditions to remove the holding symbol ("h") from Block 1, included in the Zoning By-law 943-2015 (OMB). This report recommends approval of the application to amend the zoning and that the amending by-law be brought forward to Council for enactment when all of the outstanding conditions for removal of the holding symbol ("h") have been fulfilled.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 943-2015, for the lands at 158 Sterling Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report (June 5, 2017) from the Director, Community



Planning, Toronto and East York District.

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. City Council authorize the introduction of the necessary Bill by the City Solicitor for enactment by City Council upon receipt of confirmation from the Chief Planner and Executive Director, City Planning that all outstanding conditions for removal of the holding symbol ("h") as set out in Zoning By-law 943-2015 Section 6.(13) (a) i., ii., and iii. have been satisfied.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A combined Official Plan Amendment and Zoning By-law Amendment Application (File #11 228729 STE 18 OZ) was approved at the Ontario Municipal Board (PL130380), with a Site Specific Official Plan Policy and Site Specific Zoning By-law approved for the entire site referred to as 158 Sterling Road (By-laws 942-2015 and 943-2015, respectively). The subject land is referred to as Block 1 in the site specific by-laws and is designated Mixed Use Areas and zoned CR(h) with permissions for rowhouses only, and is part of Phase 1 of the overall redevelopment plan.

On June 9, 2016, the Committee of Adjustment approved with conditions, a combined Consent to Sever and Minor Variance application for Block 1 (File #'s B0014/16TEY and A0259/16TEY, respectively). The application sought variances to alter the redevelopment plan as approved by Site Specific By-law 943-2015 (OMB) for the lands identified as Block 1 and to obtain consent to sever those lands from the land holding in order to construct 32 townhouse units on the severed lands. The conditions of the Consent approvals were fulfilled in January 2017 and the consent application was finalized. As such, Block 1 has now been removed from the lands within the Draft Plan of Subdivision application (File # 12 226212 STE 18 SB), which is currently under appeal at the Ontario Municipal Board.

A Site Plan Control application for Block 1 (File # 16 122757 STE 18 SA), was submitted on March 2, 2016. This application is under appeal at the Ontario Municipal Board. A mediation session was held on January 12, 2017 and a hearing date has been scheduled for August 24<sup>th</sup> 2017.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant has submitted a Zoning By-law Amendment application to amend Zoning By-law 943-2015(OMB), to remove the holding symbol ("h") from Block 1 of the redevelopment known as 158 Sterling Road, now municipally referred to as 20 Perth Avenue. The removal of the holding symbol ("h") will enable the construction of 32-townhouse units as permitted by the underlying zoning. Certain blocks within the remainder of the redevelopment lands known as 158 Sterling Road are also subject to holding symbols ("h").

## Site and Surrounding Area

The subject site is located on the west side of Perth Avenue, south of Bloor Street West and northwest of Sterling Road. The site is a slightly irregular rectangle and is approximately 4590 square metres in area, with a frontage of approximately 153 square metres and a depth of 28 metres.

Directly north of the subject property is the Church of the Firstborn (72 Perth Avenue), comprising a two storey building. The east side of Perth Avenue directly opposite the site contains low scale residential dwellings. Directly abutting the west property line of the site, is the West Toronto Railpath which is adjacent to the GO Georgetown line.

Directly south of the site, is part of the overall redevelopment site commonly referred to as 158 Sterling Road. The site is comprised of vacant land and one remaining heritage designated building on site, known as the Tower Automotive building soon to be occupied by MOCCA (Museum of Contemporary Art Toronto Canada).

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

Through the Site Specific Official Plan Amendment, 942-2015 (OMB), the lands were redesignated from Employment lands to a mix of land use designations including Employment lands, Mixed Use Areas and Neighbourhoods.

## Zoning

The subject land, as referred to in Zoning By-law 943-2015 (OMB) as Block 1, is zoned CR(h), with a limited land use permission for row houses only and a maximum allowable height of 13 metres. Committee of Adjustment granted minor variances to Block 1

(Application No. A0259/16TEY), to alter the redevelopment plan approved by 943-2015 (OMB) allowing for an increase in the permitted residential gross floor area, reduced window setbacks and lot frontages which did not front onto a public street.

### **Site Plan Control**

A Site Plan application (File #16-122757 STE 18 SA) was submitted to the City on March 2, 2016. The application has been appealed to the Ontario Municipal Board, and the City is currently working with the applicant through a mediation process and has a hearing date scheduled for August 24, 2017.

### **Reasons for Application**

A holding symbol ("h") was placed on the lands to limit the use of the lands until such time as the conditions for the removal of the "h" had been fulfilled to the satisfaction of City Council. Zoning By-law 943-2015 (OMB) Section 6.(13)(a) i.ii., and iii requires that the following conditions for Block 1 be satisfied prior to the removal of the holding symbol ("h"):

1. Confirmation from Metrolinx and/or other applicable operators of the adjacent rail corridors that separation and mitigation issues have been appropriately addressed in the site plan control application for the applicable Phase to the satisfaction of the Chief Planner.
2. Submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable Phase; and
3. Conveyance of the public park to the satisfaction of the City Solicitor, as outlined in the Section 37 agreement.

### **Community Consultation**

A Community Consultation Meeting is not required for Lifting the Hold applications. Notice is given to the owner under the Planning Act for the Statutory Public Meeting.

### **COMMENTS**

Staff from City divisions and agencies have worked closely with the applicant's consulting team on addressing the conditions in the Zoning By-law 943-2015 for the removal of the holding symbol ("h") to facilitate the development of the 32 townhouses. The status of the conditions are discussed in more detail below.

#### **1. Metrolinx – Rail Corridor separation and mitigation issues**

Metrolinx has recently provided comments to the City indicating that they are satisfied in relation to the proposed mitigation measures detailed in the Noise and Vibration Impact Study and details related to the proposed barrier wall. However, there is outstanding information related to the Air Quality Compatibility/Odour Study that needs to be addressed related to air quality issues associated with passing trains. The applicant has been requested to provide this additional information to Metrolinx for review. Once Metrolinx has indicated to the City that they are satisfied

that all separation and mitigation issues have been addressed, the Chief Planner will be in a position to clear this condition.

## **2. Site Plan Control**

The condition related to site plan control will be fulfilled once the building design and site plan drawings are completed to the satisfaction of the Chief Planner. A review of revised plans, drawings and reports based on a mediation process with City staff has recently been completed and comments have been provided to the applicant. Specific details of the outstanding issues cannot be released at this time due to the confidentiality of the OMB mediation process. City staff are working with the applicant to resolve outstanding issues related to the building design. The applicant has been advised that further refinements to the drawings are required to be reviewed by staff to address remaining outstanding issues and concerns. A final resubmission by the applicant is expected imminently to respond to all outstanding revisions.

Once the site plan drawings are to staff's satisfaction, this condition will be fulfilled.

## **3. Public Park Conveyance**

The condition related to the conveyance of the public park is outlined in the Section 37 Agreement. Prior to the issuance of the building permit for Block 1 of the Development, the owner is required to provide a letter of credit to the City pertaining to the parkland dedication for Phase 1 of the development. An appraisal of the lands is currently being undertaken by the City's Real Estate Division. Once the amount is finalized, the applicant will be able to provide a letter of credit to the City for the applicable amount to be secured.

The proposal is otherwise consistent with applicable Provincial policy, the Official Plan and applicable Site Specific Zoning.

## **Conclusions**

The application to amend the Zoning By-law 943-2015(OMB) to remove the holding symbol ("h") from the lands at 158 Sterling Road (Block 1) will facilitate the development of 32 townhouses. The three conditions for the removal of the holding symbol ("h") have not yet been satisfied, however, staff are working with the applicant to clear the conditions. It is appropriate to direct staff to bring forward the amending by-law when these requirements are satisfied. Providing that direction now will permit the City Solicitor to submit the Bill to Council as soon as the outstanding conditions have been fulfilled. A draft of the amending zoning by-law to remove the holding symbol ("h") is included in Attachment 1.

**CONTACT**

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**SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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**ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: ~ 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. 943-2015, as amended by [insert the amending by-law no.],  
to remove the holding symbol (H)  
with respect to the lands known municipally in the year 2016 as  
158 Sterling Road and 20 Perth Avenue**

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

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

1. By-law 943-2015 is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1'.

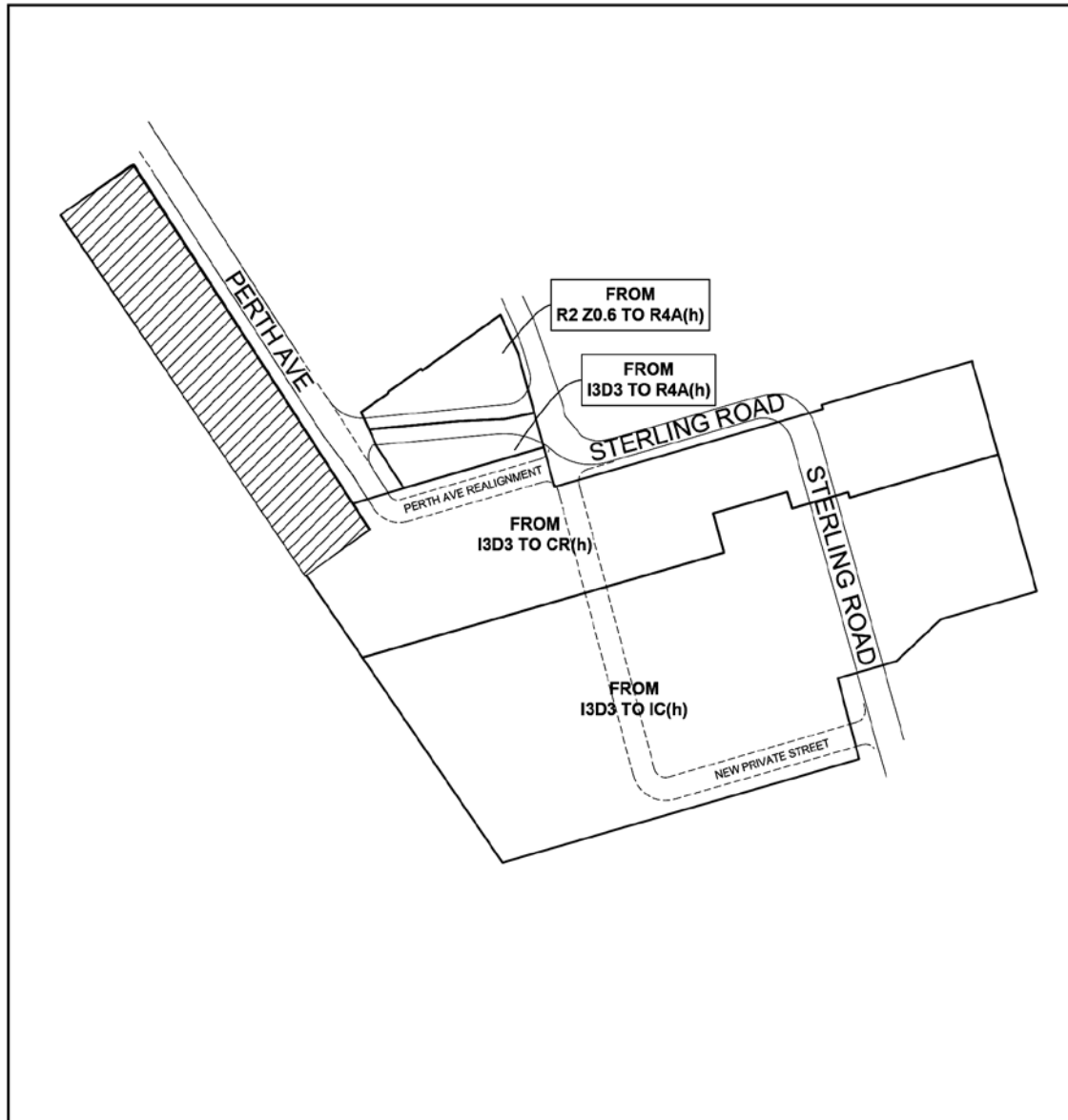
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

(Corporate Seal)

ULLI S. WATKISS  
City Clerk

## SCHEDULE '1'



158 Sterling Road - Block 1

Map 1 - Area where "H" is to be removed

File # 17 \_ 125434 STE 18 0Z



Area where "H" is to be removed



Not to Scale  
05/19/2017