

150 Sterling Road (Block 3A, 5A and 3D of 158 Sterling Road) – Zoning By-law Amendment Application (Removal of the Holding Symbol "H") – Final Report

Date: April 27, 2021
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward 9 - Davenport

Planning Application Number: 20 207271 STE 09 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 150 Sterling Road (Block 3A, 5A and 3D of 158 Sterling Road), to permit the development of 6-storey and 8-storey commercial office buildings and a Privately-Owned Publicly Accessible Open Space ("POPS") on the site.

This report outlines the status of the conditions to remove the holding symbol ("h") from Block 3A, 5A and 3D included in the Zoning By-law 943-2015 (OMB). 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).

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 150 Sterling Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report (May 15, 2021) 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 Division that all outstanding conditions for the removal of the holding symbol ("h") as set out in Zoning By-law 943-2015 Section 6.(13) (a) i., ii., iii. and 6.(13) (b) i., ii., iii have been satisfied.

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

The entirety of the lands located at 158 Sterling Road were subject to Official Plan Amendment and Zoning By-law Amendment application (File No. 11 228729 STE 18 OZ) that were submitted in 2011 to create a new mixed use community with a mix of employment and commercial-residential uses.

The applications were refused by City Council and appealed to the Ontario Municipal Board (OMB) (PL130380). A written decision that was issued July 23, 2015, brought By-law No. 942-2015 (OMB) and By-law No. 943-2015 (OMB) into effect. These by-laws had the effect of redesignating and rezoning a number of blocks at 158 Sterling Road. Blocks 3A, 5A and 3D are designated as Employment Area in the City of Toronto Official Plan and zoned as IC(h) in the former City of Toronto Zoning By-law 438-86. These by-laws were further modified by an OMB decision issued on October 18, 2018. This decision replaced Maps 1 to 5 of the Zoning by-law with revised maps based on new information that was not available at the time of the issuance of the original decision.

On February 4, 2021, the Committee of Adjustment approved with conditions, a Minor Variance application for Blocks 3A, 5A and 3D (File No. A0526/20TEY). 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 3A, 5A and 3D. The conditions of the Minor Variance approval are in the process of being fulfilled.

On November 18, 2019, a Site Plan Control application (File No. 19 250319 STE 09 SA) was submitted by the applicant for the 6 and 8-storey office buildings on Blocks 3A and 5A and the POPS located on Block 3D. This application is currently under review.

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 3A, 5A and 3D of the redevelopment known as 158 Sterling Road, now municipally referred to as 150 Sterling Road.

The removal of the holding symbol ("h") will enable the construction of the 6-storey and 8-storey commercial office buildings and a POPS 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 Sterling Road, south of the Perth Avenue-Sterling Road intersection, east of the West Toronto Rail Path and north of Dundas Street West. The site is an irregular shape as it contains three distinct development blocks. The site area for the two commercial office buildings and the POPS is approximately 8,610 square metres.

Directly north and east of the subject lands is the remainder of the redevelopment site commonly referred to as 158 Sterling Road. The majority of this site is currently vacant with the exception of the heritage designated Tower Automotive building which is currently occupied by the Museum of Contemporary Art Toronto Canada (MOCA).

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 3A and 3D be satisfied prior to the removal of the holding symbol ("h"):

- i. 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;

- ii. Submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable Phase; and
- iii. Conveyance of the public park to the satisfaction of the City Solicitor, as outlined in the Section 37 agreement.

Furthermore, Section 6.(13)(b) i., ii. and iii. requires that the following conditions for Block 5A be satisfied prior to the removal of the holding symbol ("h"):

- i. the submission of a Traffic Impact and Parking Supply Study satisfactory to the Executive Director of Engineering and Construction Services, for the applicable Phase;
- ii. 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; and
- iii. submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable Phase.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Application Form
- Project Data Sheet
- Fee Schedule
- Survey Plan
- Draft Plan of Subdivision
- Plans and Drawings from the associated Site Plan (File No. 19 250319 STE 09 SA)

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate Zoning By-law.

Community Consultation

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

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

Through the Site Specific Official Plan Amendment, 942-2015 (OMB), the lands at 158 Sterling Road were redesignated from Employment lands to a mix of land use designations including Employment lands, Mixed Use Areas and Neighbourhoods.

The subject lands, were retained as Employment Lands, however, this Site Specific OPA created new parameters for the types of employment uses that would be permitted on the lands, and created new development permissions for the POPS on Block 3D.

Zoning

The subject lands, referred to in Zoning By-law 943-2015 (OMB) as Block 3A, 5A and 3D are zoned IC(h) and allow for a mix of employment type uses with Block 3D also being assigned zero permitted density to facilitate the development of the POPS. The Committee of Adjustment also granted minor variances (File No. A0526/20TEY) for these blocks to make minor alterations to the redevelopment plan as approved by Site Specific By-law 943-2015 (OMB).

Site Plan Control

A Site Plan Control application (File No. 19 250319 STE 09 SA) was submitted to the City November 18, 2019. This application is currently under review.

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 6 and 8 storey office buildings and the POPS. The status of the conditions are discussed in more detail below.

Section 6.(13)(a) i., ii., iii.

1. Metrolinx - Rail Corridor Separation and Mitigation Issues

Through correspondence with staff and in recent conversations, Metrolinx has indicated to City staff that that separation and mitigation issues have been appropriately addressed in the site plan control application for the applicable phase of development. City staff are currently awaiting formal written confirmation from Metrolinx to confirm this. Once Metrolinx has provided this confirmation to the City, the Chief Planner will be in a position to clear this condition.

2. Site Plan Control

While the application for Site Plan Control (File No. 19 250319 STE 09 SA) is still under review, staff have worked closely with the applicant to address any outstanding concerns related to the design of the proposed buildings and the programming of the POPS. In this regard, staff also did not oppose approval of the Minor Variance

Application (File No. A0526/20TEY), subject to conditions, which included ensuring the development be constructed substantially in accordance with the site plan, elevations and sections submitted as part of the application. Based on this, staff have concluded that this condition has been satisfied.

3. Public Park Conveyance

The condition related to the conveyance of the public park is outlined in the Section 37 Agreement. The Section 37 Agreement states that prior to the issuance of the building permit for Block 3A, 5A and 3D of the Development, the owner shall either have completed and conveyed the public park to the City or is required to provide a letter of credit to the City pertaining to the parkland dedication for Phase 2 and 3 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.

Section 6.(13)(b) i., ii., iii.

1. Traffic Impact and Parking Supply Study

As previously noted, the Minor Variance Application (File No. A0526/20TEY) was approved by the Committee of Adjustment on February 4, 2021. Staff also *did not oppose* this application, subject to conditions. One of the variances contemplated in this application was a reduction in the parking ratio approved in the Site Specific By 943-2015 (OMB). This Traffic Impact and Parking Supply Study prepared in support of this variances was reviewed by *and accepted by* staff . Based on this, staff have concluded that this condition has been satisfied.

2. Metrolinx - Rail Corridor Separation and Mitigation Issues

See above.

3. Site Plan Control

See above.

The proposal otherwise is consistent with the Provincial Policy Statement and conforms with the Growth Plan, , the Official Plan and applicable Site Specific Zoning.

Conclusion

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 3A, 5A and 3D) will facilitate the development of the 6 and 8 storey commercial office buildings and a POPS. Three of the six conditions for the removal of the holding symbol ("h") have been satisfied, and the applicant is working diligently with City staff to quickly clear the outstanding 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

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director Community Planning, Toronto and East York District

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 2020 as
150 Sterling Road and 158 Sterling Road**

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'.

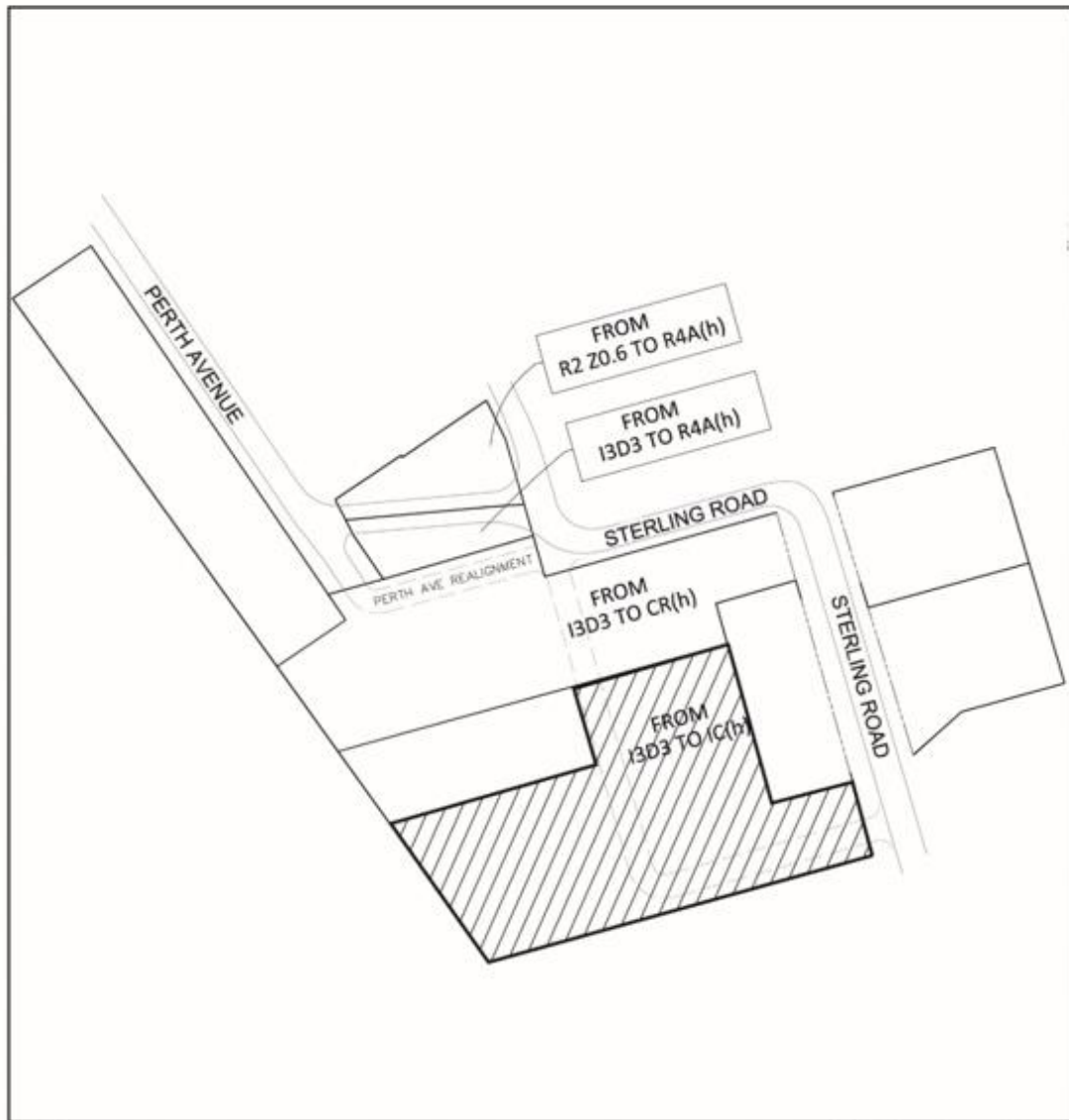
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)


SCHEDULE '1'



150 Sterling Road

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

File # 20 207271 STE 09 OZ

 Area where "h" is to be removed



Not to Scale
05/01/2021