

150 Sterling Road (Block 3B of 158 Sterling Road) – Zoning By-law Amendment Application (Removal of the Holding Symbol "H") – Decision Report – Approval

Date: October 26, 2023
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 9 - Davenport

Planning Application Number: 23 168201 STE 09 OZ

SUMMARY

This application proposes to remove the holding symbol ("H") implemented through Zoning By-law 943-2015 (OMB) for a portion of the larger 158 Sterling Road site known as 150 Sterling Road (Block 3B), to permit the development of a 14-storey mixed-use building with non-residential uses including a 36 space child care facility on the first and second floors.

This report outlines the status of the conditions to remove the holding symbol, and recommends approval of the application to amend the zoning by-law and that the amending by-law be brought forward to Council for enactment.

RECOMMENDATIONS

The Director, Community Planning Toronto and East York District recommends that:

1. City Council amend Zoning By-law 943-2015 (OMB), for the lands municipally known as 150 Sterling Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this report.
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 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 and Zoning By-law Amendment applications (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. Block 3B is designated as Mixed Use Area in the City of Toronto Official Plan and zoned as CR(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 April 22, 2022, a Site Plan Control application (File No. 22 137336 STE 09 SA) was submitted by the applicant for the 14-storey building on Block 3B. This application is currently under review.

On April 26, 2023, the Committee of Adjustment approved with conditions a Minor Variance application for Block 3B (File No. A0113/23TEY). 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 3B. The conditions of the Minor Variance approval are in the process of being fulfilled.

PROPOSAL

The applicant has submitted a Zoning By-law Amendment application to amend Zoning By-law 943-2015 (OMB), to remove the "H" from Block 3B, namely the lands municipally known as 150 Sterling Road.

The removal of the "H" will enable the construction of the 14-storey mixed-use building as permitted by the underlying zoning. Certain blocks within the remainder of the redevelopment lands commonly referred to as 158 Sterling Road remain subject to holding symbols "H" until also removed.

The lands which are generally described as 158 Sterling Road are located north of Dundas Street West, east of the Kitchener GO Corridor and west of the Barrie GO corridor. The site is located on the west side of Sterling Road at the point where Sterling Road turns south toward Dundas Street West. The site is irregular in shape and has an area of approximately 2,615 square metres.

To the south, east and west of the lands is the remainder of the 158 Sterling Road redevelopment site. The majority of this site is currently vacant with the exception of the heritage designated Tower Automotive building, currently occupied by the Museum of

Contemporary Art Toronto Canada (MOCA), and the two new office buildings located on zoning blocks 3A and 5A, to the west of the MOCA building.

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 3B be satisfied prior to the removal of the "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 and Executive Director, City Planning;
- ii. Submission of an application for site plan control with building designs satisfactory to the Chief Planner and Executive Director, City Planning 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.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Application Checklist and Cover Letter
- Application Form
- Architectural Plans and Drawings from the associated Site Plan (File No. 22 137336 STE 09 SA)
- Correspondence - Mandatory PAC Exemption Email
- Cover Letter
- Draft Zoning By-law Amendment
- Fee Schedule
- M-Plan
- Planning Rationale
- Previous Decisions (OMB and Committee of Adjustment)
- Project Data Sheet
- Site Specific Official Plan and Zoning By-law Amendments
- Survey Plan
- Topographical Survey

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.

Community Consultation

A Community Consultation Meeting is not required for applications to lift a holding symbol.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

Official Plan

The land use designation for the site is Mixed Use Areas. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Site and Area Specific Policy 480

SASP 480 applies to the site. Through SASP 480, 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 lands now known as 150 Sterling Road were redesignated to Mixed Use Areas.

Zoning

The lands, referred to in Zoning By-law 943-2015 (OMB) as Block 3B, are zoned CR(h) and allow for a range of commercial and residential uses. The Committee of Adjustment also granted minor variances (File No. A0113/23TEY) for this block to allow for an increase in height and density and modifications to the built form which were not contemplated in the Site Specific By-law 943-2015 (OMB).

Site Plan Control

A Site Plan Control application (File No. 22 137336 STE 09 SA) was submitted to the City on April 22, 2022. This application is currently under review.

COMMENTS

Zoning By-law 943-2015 (OMB) - Conditions

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 (OMB) for the removal of the holding symbol from Block 3B to facilitate the development of the 14 storey mixed use building. The status of the conditions are discussed in more detail below.

1. Metrolinx - Rail Corridor Separation and Mitigation Issues

While Zoning By-law 943-2015 (OMB) notes that rail corridor separation and mitigation issues must be addressed to the satisfaction of the Chief Planner and Executive Director, City Planning as a condition to remove the "H" on the block, this site does not fall within the 30 metre railway setback used by the Federation of Canadian Municipalities in their Guidelines for New Development in Proximity to Railway Operations. City staff have therefore concluded that this condition does not apply to this site and the condition can be noted as satisfied.

2. Site Plan Control

While the application for Site Plan Control (File No. 22 137336 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 building. Staff did not oppose approval of the Minor Variance Application for modifications to Zoning By-law 943-2015 (OMB) (File No. A0113/23TEY), which provides for design changes to the site which had been reviewed by staff through the site plan review process. 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 3B 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 of the development. City staff have now confirmed that the required letter of credit for this phase of development has been provided. Based on this, staff have concluded that this condition has been satisfied.

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 from the lands at 150 Sterling Road (Block 3B) will facilitate the development of the 14-storey mixed use building. All of the required conditions for the removal of the

holding symbol have now been satisfied. Based on this, it is appropriate to direct staff to bring forward the amending by-law for this site.

CONTACT

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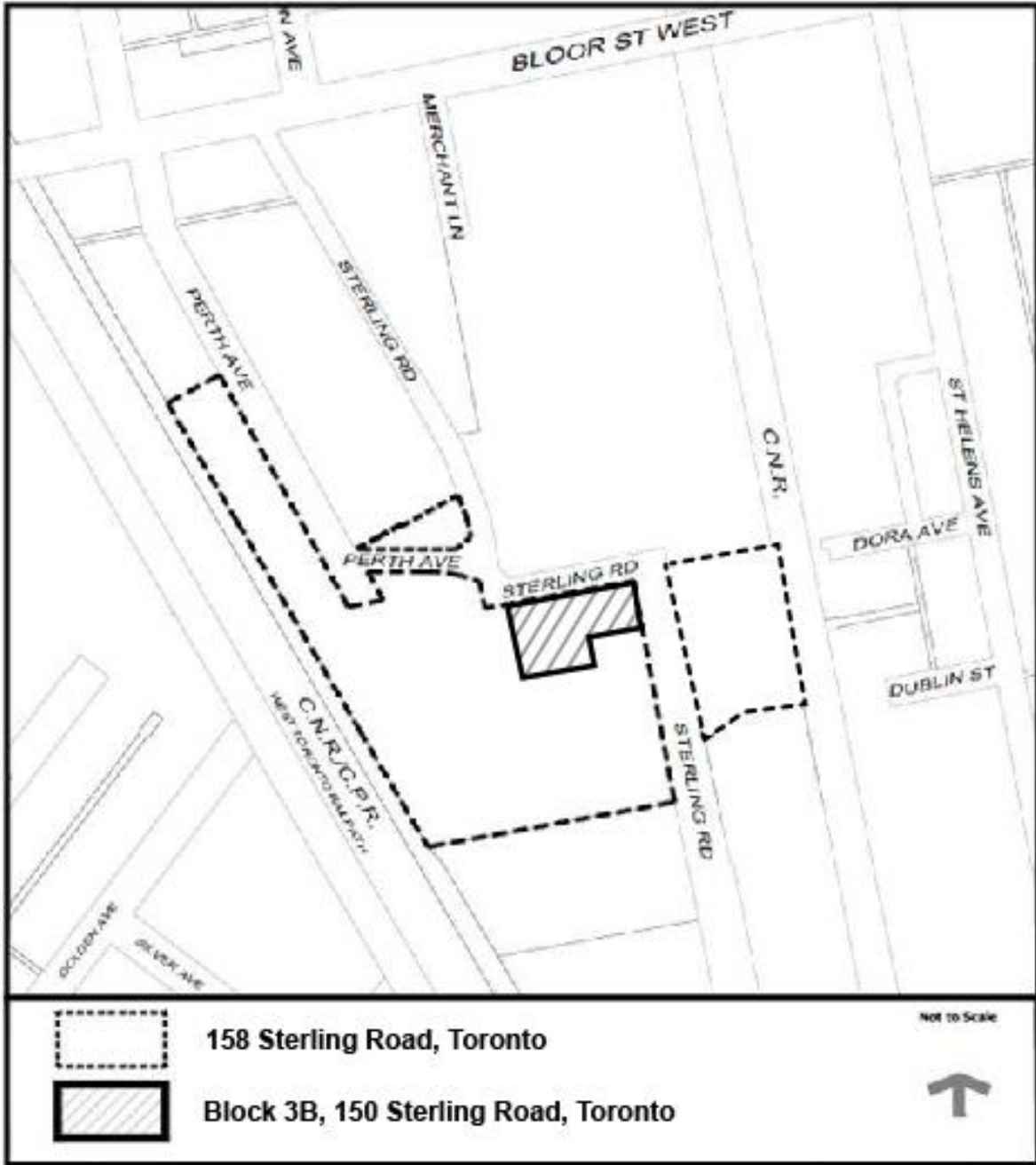
SIGNATURE

Carly Bowman, M.Sc.PI, MCIP, RPP
Director Community Planning,
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item [-], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

**To amend Zoning By-law 943-2015, as amended,
to remove the holding symbol ("H")
with respect to the lands municipally known in the year 2022 as 150 Sterling Road**

Whereas Council of the City of Toronto has the authority pursuant to 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 there are official plan policies in effect addressing the use of the holding symbol ("H");

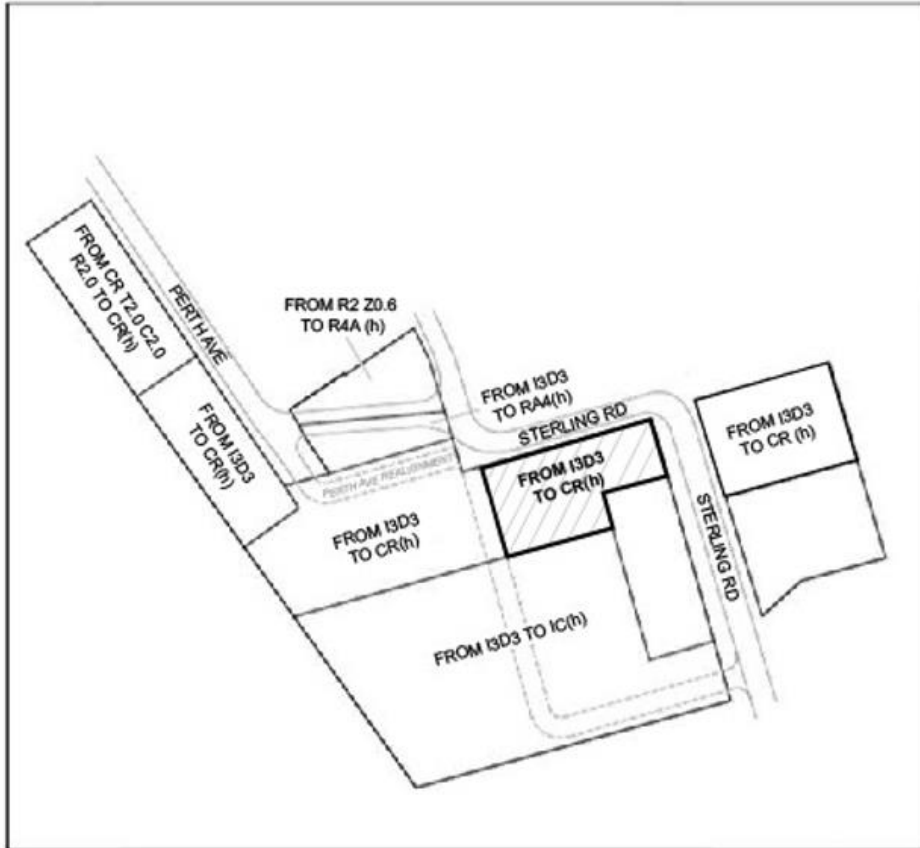
Whereas it is appropriate that the holding symbol ("H") be removed from the lands subject to this [By-law](#);


Whereas Council has provided notice of the intent to pass this [By-law](#);

The Council of the City of Toronto enacts:

1. Map 2 of By-law 943-2015 (OMB), as amended, is further amended by removing the holding symbol ("H") from Block 3B as shown on the attached Map '1'.

Map '1'



 - Area where "h" is to be removed

150 Sterling Road
File #23 168201 STE 09 OZ