

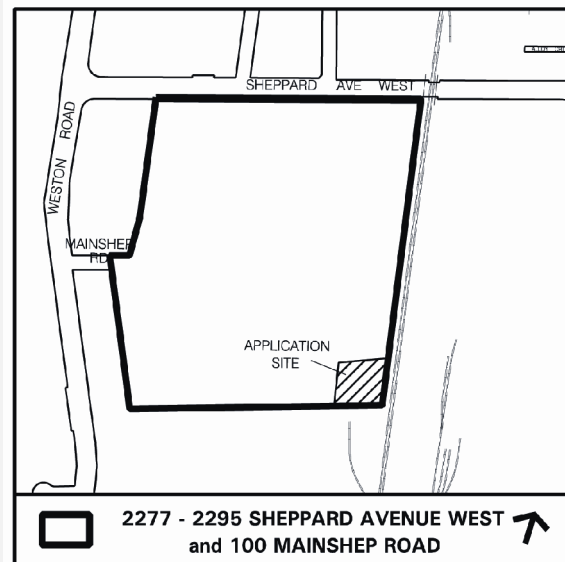
**2277-2295 Sheppard Avenue West and 100 Mainshep Road (South portion of Block 153 and Lane 'D' on approved Draft Plan of Subdivision) – Rezoning Application (Removal of the "H" Holding Symbol) – Final Report**

<b>Date:</b>	June 1, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 7 – York West
<b>Reference Number:</b>	09 131248 WET 07 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.

This application proposes to amend former City of North York Zoning By-law 7625, as amended by site-specific Zoning By-law 482-2006 to remove the "H" Holding symbol for the southern portion of Block 153 and Lane 'D' on a draft Plan of Subdivision approved on September 15, 2008. The application site is in the southeast corner of the lands at 2277-2295 Sheppard Avenue West and 100 Mainshep Road. The site is zoned RM6(180)(H) and is proposed to be developed with a public lane and a block of stacked townhouses that forms part of the extensive block of 110 stacked townhouses to be developed on Block 153 of the draft approved subdivision plan.



This report reviews and recommends

approval of the application to amend the Zoning By-laws to remove the Holding symbol for the above property.

The proposal conforms to the policies of Site Specific and Area Specific Policy No. 330 of Official Plan Amendment No. 573 to the former City of North York Official Plan.

Prior to Bills being introduced to Council confirmation is to be given to the City Solicitor that a revised Noise Impact Study has been submitted which identifies noise mitigation measures to the satisfaction of the Director of Community Planning, Etobicoke York

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the former City of North York Zoning By-law 7625 substantially in accordance with the draft Zoning By-law Amendment provided as Attachment 3.
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. Before introducing the necessary Bill to City Council for enactment, confirmation is provided to the City Solicitor that a revised Noise Impact Study is submitted and identifies mitigation measures to the satisfaction of the Director of Community Planning, Etobicoke York

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The site that is the subject of the “H” Holding zoning removal application is a parcel in the south-easterly most corner of a proposed redevelopment of the lands at 2277-2295 Sheppard Avenue West and 100 Mainshep Road with residential units (single, detached, semi-detached, townhouse and stacked townhouse dwellings); mixed commercial and residential uses; and, a commercial block.

Draft Plan of Subdivision approval was issued on February 7, 2008 subject to conditions, including that the Official Plan Amendment and Zoning By-law Amendment permitting the residential and commercial redevelopment of the land are in full force and effect.

Amendment No. 573 to the Official Plan for the former City of North York and Zoning By-law 482-2006 to permit the proposed redevelopment of the lands, as described, were ordered approved by the Ontario Municipal Board on July 8, 2008. Copies of the by-laws adopting the Official Plan Amendment and Rezoning the lands can be found at: <http://www.toronto.ca/legdocs/bylaws/2006/law0481.pdf> and <http://www.toronto.ca/legdocs/bylaws/2006/law0482.pdf>

A revised draft Plan of Subdivision was subsequently approved on September 15, 2008. The revisions, which were deemed minor provided for public road and public lane connections to a draft Plan of Subdivision on abutting lands to the south at 3035 Weston Road.

## **ISSUE BACKGROUND**

### **Proposal**

An application has been submitted to amend former City of North York Zoning By-law 7625, as amended by Site-Specific Zoning By-law 482-2006, to remove the “H” Holding symbol for the southern portion of Block 153 and Lane ‘D’ on draft Plan of Subdivision approved as revised, on September 15, 2008. The draft approval is subject to conditions that must be satisfied to permit final approval and registration of the Plan of Subdivision. See attachments 1 and 3.

### **Related Applications**

The lands are also subject to a Committee of Adjustment Minor Variance application to seek relief from the parking space requirement, parking dimensions for the stacked townhouses and the south side yard setback requirement for the stacked townhouse building. The application is scheduled for Committee’s consideration on June 18, 2009.

### **Site and Surrounding Area**

The subject application site is within the proposed subdivision. The subdivision lands are currently vacant and undergoing installation of services and regrading in preparation for development. The site is surrounded by the following uses:

North: Vacant lands to be developed for stacked townhouses

East: Canadian Pacific Railway

South: Vacant lands to be developed for residential uses within a plan of subdivision

West: Vacant lands to be developed for semi-detached dwellings

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required 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, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with both the Provincial Policy Statement and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The Official Plan designates the application site as Neighbourhoods, as identified on Map 13 – Land Use Plan. The site is subject to the policies of Area Specific Policy No. 330 which establishes a framework for the redevelopment of the lands, including implementation policies.

The site is also subject to Amendment No. 573 to the former City of North York Official Plan which was adopted and ordered by the Ontario Municipal Board to guide redevelopment of the lands within which the application site is located. Policy (g) requires a plan of subdivision for development of the lands. Policy (t) establishes that a zoning by-law may incorporate holding provisions to require a revised Noise Impact Study that identifies mitigation measures to the satisfaction of the Director of Community Planning, Etobicoke York District. The policy allows removal of the holding symbol when the conditions required to lift the hold, as set out in the zoning by-law, have been satisfied.

### **Zoning**

The application site is zoned RM6(180)(H) by former City of North York Zoning By-law 482-2006 order by the Ontario Municipal Board. See Attachment 2.

By-law 482-2006 establishes an "H" Holding zoning provision which restricts the use of the site for any purposes permitted by the By-law until the "H" symbol is removed. The By-law establishes that an amending By-law to remove the "H" symbol shall be enacted when the owner has submitted a revised Noise Impact Study that identifies mitigation measures to the satisfaction of the Director of Community Planning, Etobicoke York District.

### **Site Plan Control**

The 110 unit stacked townhouse development which includes the application site requires Site Plan approval. A Site Plan Application has been filed and is under review.

### **Reasons for Application**

The application has been submitted in order to remove the (H) Holding symbol for the southern portion of proposed Block 153 and Lane 'D'. The Holding (H) symbol must be removed in order to facilitate the development of the site with the stacked townhouses and noise mitigation measures and for building permits to be issued.

## **Agency Circulation**

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

## **COMMENTS**

An “H” Holding zoning designation was placed along entire south limit of the proposed subdivision at 2277-2295 Sheppard Avenue West and 100 Mainshep Road to ensure that appropriate noise mitigation measures would be installed through the build out of the subdivision to protect future residents from noise from the Canadian Pacific Railway (CPR) and employment uses to the east of the railway.

The widest band of the “H” holding zoning along the south limit of the subdivision is 30 metres in depth and extends westerly from the CPR line approximately 190 metres.

The owner has requested removal of the “H” Holding zoning symbol between proposed street ‘D’ and the CPR line.

In support of the application, the owner has submitted a Detailed Environmental Noise and Vibration Study which identifies appropriate measures to properly mitigate the noise impacts on the proposed subdivision. Three alternative mitigation options are presented based on whether or not the proposed subdivision on neighbouring lands to the south proceeds in a timely fashion.

At issue however, is the applicant’s desire to proceed with construction of the stacked townhouse (block 153) parallel and adjacent to the CPR line. The townhouse block has been designed as an integral part of noise mitigation for the balance of the subdivision to the west and must proceed as the first phase of the subdivision. A portion of the townhouse block lies within the “H” Holding zoning area and the “H” zoning must be removed to enable the entire stacked townhouse block to be constructed. An additional noise barrier along the southern limit of the subdivision is proposed to mitigate noise from the south-easterly employment area and the CPR line south of the subdivision on a temporary basis until such time as the subdivision on neighbouring lands to the south is developed with its required noise mitigation measures. In addition, the owner has advised that the removal of the holding zoning is essential to obtain necessary bank financing for construction.

The removal of the “H” Holding zoning is conditional on the submission of a Noise Impact Study which identifies mitigation measures to the satisfaction of the Director of Community Planning.

In order to determine if the mitigation measures are satisfactory to the City, the Detailed Environmental Noise and Vibration Impact Study will be subject to a peer review evaluation, at the owner’s expense. Cost quotations to undertake the peer review have been requested from third party noise consultants by planning staff and are due early June 2009. At that time a consultant will be selected to peer review the Noise and Vibration

Impact Study with comments expected by the latter part of June, 2009. The Director of Community Planning will rely on the advice of the peer reviewer in determining if the mitigation measures are satisfactory. The City Solicitor will be advised when to permit the by-law to remove the “H” Holding symbol to be introduced to City Council for enactment. It is anticipated this can be achieved to meet the July 6, 2009, City Council meeting subject to a timely and favourable peer review outcome.

In the intervening time, the applicant continues to address the conditions of Draft Plan of Subdivision approval all of which must be satisfied to secure final approval and registration of the plan for development within the subdivision to proceed.

### **Development Charges**

It is estimated that the development charges for the construction of all the 110 stacked townhouses parallel to the CPR line, which removal of the holding zoning will permit, will be \$1,082,570.

### **CONTACT**

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E-mail: lmore@toronto.ca

### **SIGNATURE**

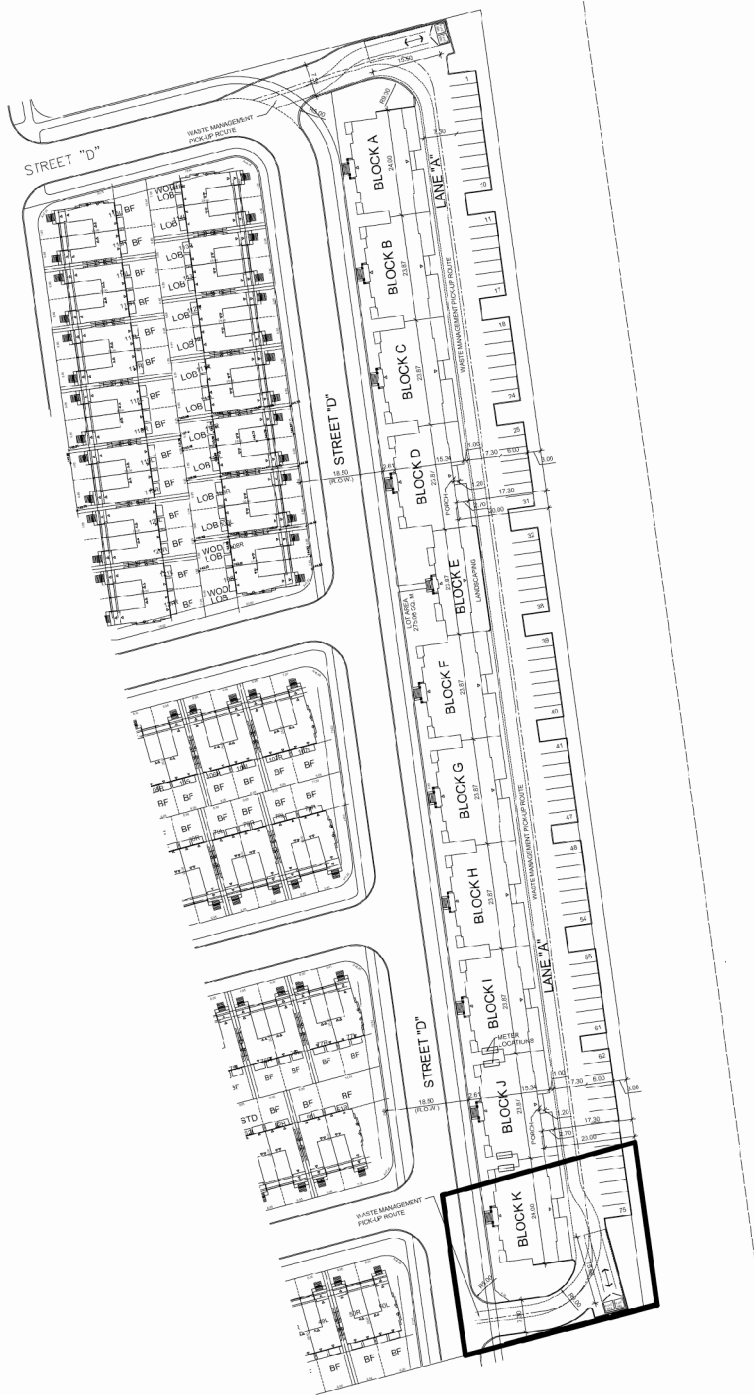
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

### **ATTACHMENTS**


Attachment 1: Site Plan  
Attachment 2: Zoning  
Attachment 3: Draft Zoning By-law Amendment

**Attachment 1: Site Plan**

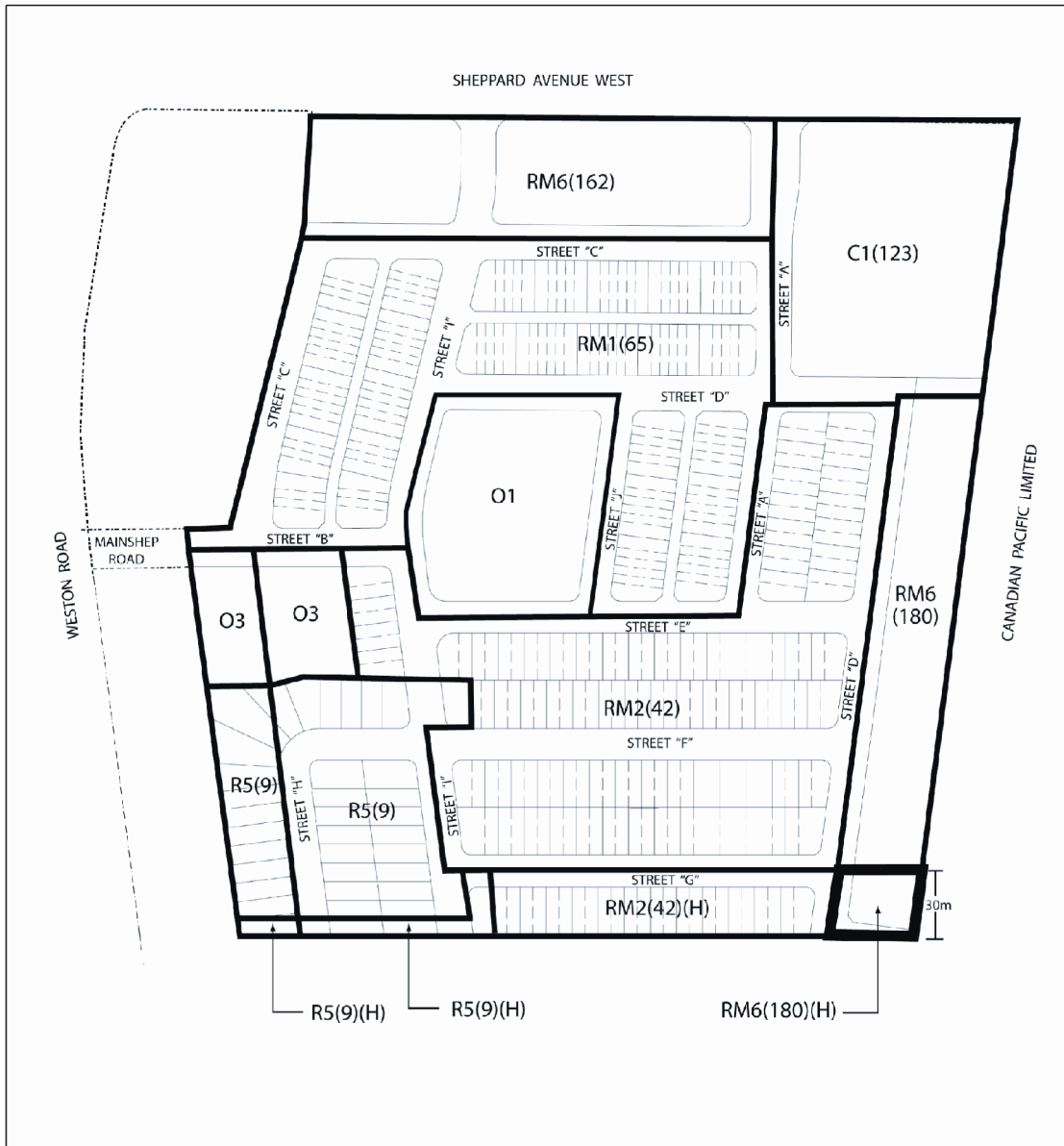


 Application Site

**2277-2295 Sheppard Avenue West**  
**100 Mainshep Road**  
 File # 09\_131248

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 05/26/09 


## Attachment 2: Zoning



**TORONTO** City Planning  
**Zoning**

**2277 - 2295 Sheppard Avenue West**  
**100 Mainshep Road**  
 File # 09\_131248

- R5 One-Family Detached Dwelling Fifth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

  
 Not to Scale  
 Zoning By-law 7625 as amended  
 Extracted 05/26/09- KP



### Attachment 3: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause 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 former City of North York Zoning By-law No. 7625, as amended by site specific Zoning By-law 482-3006 to remove the Holding (H) symbol on the lands municipally known as 2277-2295 Sheppard Avenue West and 100 Mainshep 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 (H) symbol and to remove the holding (H) symbol when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council is satisfied that the conditions relating to the holding symbol have been satisfied in order to life the holding symbol in relation to a portion of the lands affects; 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. Schedule “B” and “C” of the By-law No. 7625 of the former City of North York, are amended, in accordance with Schedule “1” of this by-law.
2. Sections 64.20-A(180) of By-law No. 7625 is amended by removing the “(H)” notation where it appears on the schedule in the notation “RM6(H)(180) so that the notation on the schedule reads “RM6(180).


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

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



<p>This is Schedule " 1 " to Bylaw _____ passed the _____ day of _____, 20__</p> <p>(Sgd.) _____ (Sgd.) _____ CLERK MAYOR</p>		 <b>TORONTO</b> City Planning Division Community Planning West		
<p>Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto</p>				
File No: 09_131248	Drawn by: K.P.	Approved by: L.M.	Date: May 2009	Filename: 09_131248_dz1