

# **TORONTO** STAFF REPORT

June 8, 2006

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Removal of the Holding Symbol from a portion of the West Don Lands, Phase 1  
05-166169 STE 28 OZ  
Applicant: Toronto Waterfront Revitalization Corporation  
Province of Ontario  
City of Toronto  
Architect: N/A  
West Don Lands - Phase 1  
Ward 28 - Toronto Centre-Rosedale

## Purpose:

To recommend removal of the Holding Symbol, pursuant to Section 36 of the Planning Act in the easterly portion of the West Don Lands, referred to as Phase 1. The removal of the Holding Symbol will facilitate the construction of the flood protection landform, the development of Don River Park, realignment of Bayview Avenue, construction of the extension to River Street, Front Street and Mill Street and residential development.

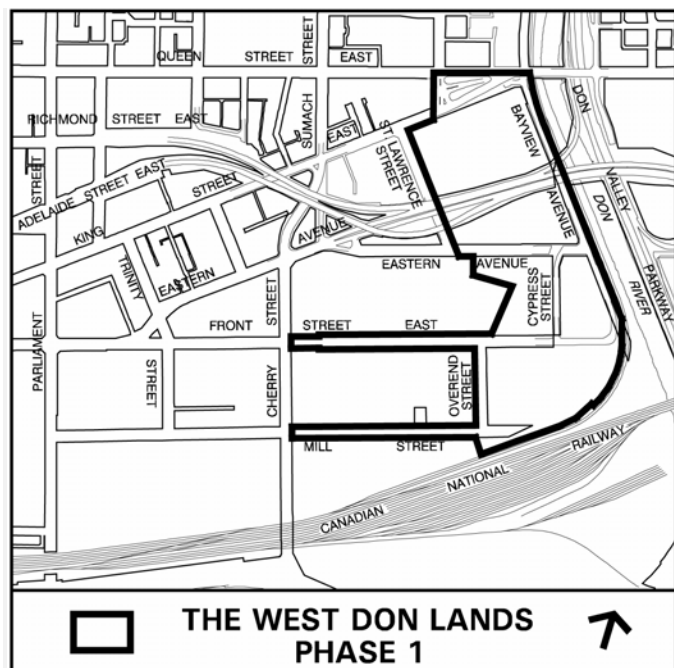
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) remove the Holding Symbol (“h”) from the easterly portion of the West Don Lands, referred to as Phase 1, currently zoned RA(h) as generally shown on the key map;
- (2) before introducing the Bills to City Council for enactment,



require the owner to register on title the fully executed Subdivision Agreement for Phase 1; and

- (3) before introducing the Bills to City Council for enactment, require the owner to provide a Ministry of Environment approved and acknowledged Risk Assessment/Risk Management Plan.

#### Background:

##### Site History

The subdivision plan and zoning amendment for West Don Lands Phase 1 were endorsed by Planning and Transportation Committee on June 1, 2006 and considered by City Council at its meeting of June 26-28, 2006.

##### Role of the Holding Symbol

The West Don Lands is an area in eastern downtown generally located east of Parliament Street to the Don River and south of Eastern Avenue and King Street to the rail yards. It is included within the King/Parliament planning area. In 1996, as part of the implementation of planning policies to encourage revitalization in areas adjacent to downtown Toronto, the King Parliament Plan was adopted and a Zoning By-law was implemented designating the area RA, Reinvestment Area. The RA zoning permits a wide range of land uses including light industrial, commercial, office and residential. However, while the RA zoning permits a wide range of uses a Holding Symbol was also placed on the zoning, and new buildings cannot be constructed until the Holding Symbol is removed by Council. The Holding Symbol means that the lands are zoned but development rights cannot be realized until certain technical issues are resolved. Removal of the Holding Symbol requires certain technical studies and implementation plans to be completed which would provide for the comprehensive development within the West Don Lands. These requirements are detailed in the King Parliament Secondary Plan and include resolution of flood protection measures, an environmental management plan for soil and groundwater remediation, a streets and blocks plan and the realignment of Bayview Avenue. Once the technical issues are resolved an application can be made to remove the Holding Symbol thereby permitting development of the lands.

##### Considerations for Lifting the “h”

The King Parliament Secondary Plan (King Parliament Part II Plan) sets out a development strategy for the area and includes conditions for removing the “h” as follows:

“It is therefore the policy of Council that the “h” symbol will be removed incrementally and only as the following plans and studies have been provided for and secured through an agreement or agreements binding on the owner and successors entered into pursuant to Section 37 of the Planning Act or Section 51 of the Act (subdivision control) or both Section 37 and 51;

- (a) satisfactory streets and block plan is prepared demonstrating how the redevelopment provides for new streets and blocks in relation to existing streets, such plan to be secured by appropriate legal agreements between the City and the owner.
- (b) an Infrastructure Phasing Plan dealing with roads, sewer and water services, public parks and community services and facilities.
- (c) an Environmental Management Plan dealing with, among other matters, the remediation of soils and groundwater and the provision of flood protection;
- (d) in the case of the Don River Open Space District and the Cherry Street Reinvestment District an assessment of the need for and the feasibility of the realigning of Bayview Avenue south of Queen Street East, and if desirable, a Plan for the alignment, functioning and implementation of the realigned Bayview Avenue within the West Don Lands Reinvestment Area, such Plan to be secured through an appropriate legal agreement; and
- (e) a Phasing Plan dealing with the sequencing of development and the timing of provision of matters set out in a) to d) above.”

Comments:

The draft plan of subdivision was endorsed by Planning and Transportation Committee on June 1, 2006 and will be considered by City Council at its meeting of June 26-28, 2006. The report included a number of draft conditions that will be refined and included in a subdivision agreement. Together, the Council endorsed Precinct Plan and the draft plan of subdivision fulfill many of the conditions outlined in the King Parliament Secondary Plan for lifting the “h”. These conditions are:

- (a) Streets and Blocks Plan: The Council endorsed Precinct Plan laid out the overall streets and blocks for the West Don Lands. The draft plan of subdivision implements the Precinct Plan streets and blocks for Phase 1 of the West Don Lands. However, this has not yet been secured by an agreement.
- (b) Infrastructure Plan for roads, servicing, parks and community services and facilities: The West Don Lands Precinct Plan included a Master Class Environmental Assessment for roads and servicing. Parks and community facilities were identified in the Precinct Plan and will be implemented in plans of subdivision. The TWRC Five and Ten Year Business Plans include the funding of the community center and day cares. These matters have not yet been secured through an agreement.
- (c) Environmental Management Plan for remediation of soil and ground water and the provision of flood protection measures: The Ontario Realty Corporation in co-operation with the City is undertaking a Risk Assessment/Risk Management

Plan for the West Don Lands. This is the accepted method of dealing with contaminated lands in Ontario under the Brownfields legislation. The RA/RMP will require the approval of the Ministry of the Environment. This has not been secured through an agreement. The Toronto and Region Conservation Authority has received approval for the Lower Don Remediation Environmental Assessment which outlines the flood protection measures for the West Don Lands. This has not been secured through an agreement.

- (d) Realignment of Bayview Avenue: The realignment of Bayview Avenue was incorporated into the Lower Don Remediation Environmental Assessment and the Class Environmental Assessment for West Don Lands and the West Don Lands Precinct Plan. The draft plan of subdivision creates the right of way for a realigned Bayview Avenue. However, this has not yet been secured through an agreement.
- (e) Phasing Plan: The TWRC has submitted a phasing plan for construction for the West Don Lands.

The various plans and documents that have been prepared in the last few years for the West Don Lands have included sufficient detail to satisfy the conditions for lifting the “h” on Phase 1 of the West Don Lands. However, a subdivision agreement has not been entered into and the RA/RMP has not yet been approved by the MOE. The bills to remove the “h” should not be introduced to Council until a subdivision agreement is executed and the RA/RMP is approved by the MOE. Consideration and approval of this report at this time will allow for more flexibility in dealing with the bills at a later date.

The recent report on the development applications considered by Planning and Transportation Committee on June 1, 2006 included a zoning amendment for Phase 1 to alter some of the development standards of the RA district and to apply the G district to park and open space areas. This will be before Council in June. The lifting of the holding symbol was not part of that report so that the “h” designation would remain in effect when the zoning amendment comes into force and effect. The intent of this report is to lift the “h” for Phase 1 lands of the West Don Lands, as outlined in the schedule attached, at the appropriate time.

Conclusions:

Staff recommend the lifting of the “h” symbol on Phase 1 of the West Don Lands, as this would permit development to proceed in the area in accordance with the Precinct Plan and the draft plan of subdivision. The bills should not be enacted until a subdivision agreement is executed and the RA/RMP is approved by the Ministry of Environment.

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List of Attachments:

Attachment 1: Draft Zoning By-law Amendment

**ATTACHMENT 1**

Authority: Toronto Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~, 2006  
Enacted by Council: ~, 2006

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2006**

**To amend Zoning By-law No. 438-86, as amended, of the former City of Toronto to remove the holding symbol from a portion of the West Don Lands.**

WHEREAS authority is given to Council by Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, by use of the holding symbol 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; and

WHEREAS it is appropriate that the “h” symbol be lifted in relation to certain lands;

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

1. District Map 51G-323 and 52G-321 contained in Appendix “A” of By-law No. 438-86, as amended, being a By-law “To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures within the City of Toronto” is further amended as shown on the attached Schedule 1.

ENACTED AND PASSED this ~ day of ~, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

