

**Part of 620 Dundas Street East (230 Sumach Street, 202-208 Sumach Street, and 638-644 Dundas Street East)
Regent Park Revitalization – Application to remove the Holding Symbol (H) from the Zoning By-law and Application for Residential Demolition
Final Report**

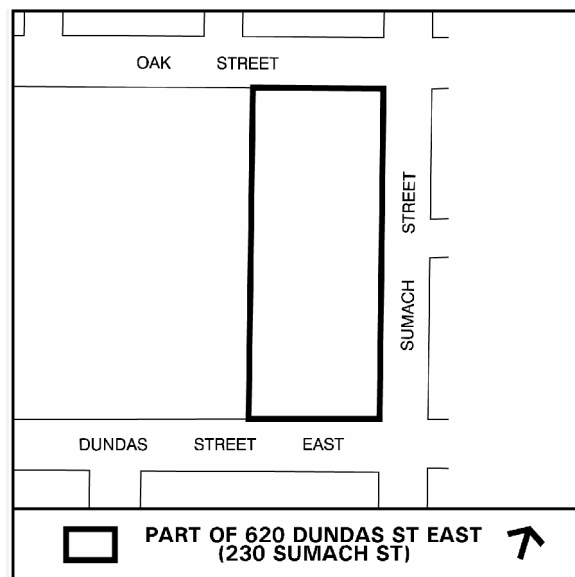
Date:	September 17, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 28 – Toronto Centre - Rosedale
Reference Number:	File Nos. 07 256056 STE 28 OZ and 07 253771 DEM 00 DM

SUMMARY

This application was made 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 remove the Holding Symbol (H) from the Zoning By-law for a parcel of land in Regent Park. The parcel is intended to be conveyed by TCHC to the City for construction of an indoor swimming pool that will be incorporated into the future park in the neighbourhood. TCHC has also applied to demolish the three residential buildings that exist on the parcel, known as 230 Sumach Street, 202-208 Sumach Street, and 638-644 Dundas Street East.

The proposal is consistent with the previous planning approvals for the Regent Park



redevelopment and is part of the implementation of a major community facility in the neighbourhood.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law to remove the Holding Symbol (H) from the lands shown on the map attached to this report as Attachment 1;
2. City Council approve the application to demolish the subject residential buildings with the following conditions, notwithstanding that there is no building permit for a replacement buildings on the site:
 - (a) prior to the issuance of demolition permits for any buildings on the site, TCHC shall obtain the Provincial consent for the sale or lease of land as required under the Social Housing Reform Act;
 - (b) the removal, handling and disposal of all hazardous materials including but not limited to asbestos, lead, mercury, silica and PCBs shall be conducted in accordance with the Ministry of the Environment and the Ministry of Labour regulations and guidelines;
 - (c) the removal of ozone-depleting substances, if encountered, shall be performed by a licensed contractor in compliance with the Ministry of the Environment regulations;
 - (d) the owner shall ensure the implementation of the demolition and excavation dust control measures approved by the Medical Officer of Health;
 - (e) the owner shall not remove privately owned trees until permitted construction and/or demolition related activities commence which warrant the destruction of trees;
 - (f) the owner shall install tree protection hoarding for tree nos. 216, 217, 218, 222, 223, 224, 225, 226, 228, 229, 244, and 245, as inventoried in the arborist report prepared by Bruce Tree Expert Company Ltd., dated August 9, 2007, in accordance with the tree protection zone listed in the above-noted arborist report, prior to the commencement of any on-site construction and/or demolition activity;
 - (g) the owner shall erect a construction fence in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Chief Building Official;

- (h) all debris and rubble shall be removed from the site immediately after demolition;
 - (i) the site shall be maintained free of garbage and weeds, in accordance with the Municipal Code 632-5 and 629-10, Paragraph B; and
 - (j) any holes on the property shall be back-filled with clean fill;
3. City Council advise TCHC that under the terms of their fee deferral, the private tree by-law application fees must be paid once the final proportion of the development to be comprised of non-profit housing is determined.

Financial Impact

Removal of the Holding Symbol from the Zoning By-law enables TCHC to develop the site under previously approved zoning standards. It does not force or obligate the owner to proceed with development. Therefore, the recommendations of this report have no direct financial implications.

The intended development on the land is an indoor swimming pool to be constructed and operated by the City. The swimming pool is included in the approved 5-Year Capital Plan for Parks, Forestry and Recreation and is within existing targets.

DECISION HISTORY

Council has previously endorsed the redevelopment of Regent Park by Toronto Community Housing Corporation (TCHC) and has taken a number of actions with respect to planning approvals for the redevelopment.

- At its meeting of July 22-24, 2003, Council directed that the interdepartmental review of the redevelopment proposal be undertaken as a priority.
- At its meeting of February 1-3, 2005, Council adopted a report (dated January 4, 2005) from the Director of Community Planning, South District, recommending approval of the Regent Park Secondary Plan and an area-specific zoning by-law, subject to Holding provisions. The Secondary Plan and zoning were appealed to the Ontario Municipal Board (OMB). The OMB issued an order on June 30, 2005 approving the Secondary Plan and a slightly revised zoning by-law, endorsing a settlement agreed upon between the appellant, the City and the TCHC.
- At its meeting of April 12-14, 2005, Council considered a City Planning report (dated March 16, 2005) regarding a Draft Plan of Subdivision for Regent Park. The City approved a Draft Plan of Subdivision for the Regent Park redevelopment on May 31, 2005.
- At its meeting of September 28-30, 2005 Council removed the Holding Symbol from the Zoning By-law for the first phase of the redevelopment and adopted a Community Facilities Strategy for Regent Park.

ISSUE BACKGROUND

Proposal

TCHC, the City-owned, non-profit housing corporation, is undertaking the phased redevelopment of Regent Park. The redevelopment is central to the revitalization of one of Canada's largest and oldest public housing developments to result in a mixed-use, mixed-income neighbourhood. Buildings in the first phase of redevelopment are under construction.

Parks, Forestry and Recreation staff have identified an opportunity to construct an indoor swimming pool in Regent Park and provide an important community facility to it and surrounding neighbourhoods. The pool would be located adjacent to and incorporated into the design of the large central park planned for the neighbourhood on the north side of Dundas Street East. Because construction of the pool will likely begin ahead of the remainder of the park, TCHC has requested that the Holding Symbol be removed from just one parcel of land in advance of the remainder of the phase. The proposed pool and park are within the area that TCHC intends to develop as Phase 2 of the redevelopment.

TCHC has applied to remove the Holding Symbol from maximum area of land that City staff expect the City will require to construct the pool. TCHC has also requested permission under Section 33 of the Planning Act to demolish three residential buildings containing a total of 55 social housing units located on the site. This report comments on and makes recommendations with respect to both applications.

Site and Surrounding Area

The site is located on Block 15 of the Regent Park Draft Plan of Subdivision on the west side of Sumach Street. The site also fronts onto Dundas Street East and onto the south side of the future Oak Street. An apartment building (230 Sumach Street) and two rows of townhouses 202-208 Sumach Street, and 638-644 Dundas Street East are currently on the site and contain a total of 55 social housing units owned by TCHC. Block 15 is designated to become parkland through the redevelopment.

Regent Park Planning Framework

Regent Park's area specific zoning by-law (141-2005) is subject to holding provisions pursuant to Section 36 of the Planning Act. In essence, the Holding Symbol on the zoning map means that the lands have been pre-zoned, but the zoning rights cannot be used until certain technical issues have been resolved. In the case of Regent Park, use of the Holding Symbol is an important strategy to ensure that necessary infrastructure and facilities are in place prior to redevelopment of each phase and that important matters of public interest are being achieved as redevelopment proceeds.

Policy 4.1.4 of the Regent Park Secondary Plan sets out the conditions that must be met prior to the removal of the holding symbol:

“4.1.4 The holding symbol may be removed incrementally or in phases, upon application by the owner to the City and only as the following plans and studies have been provided and appropriate conditions secured through an agreement or agreements binding on the owner entered into pursuant to Section 37, 41, 51 or 53 of the Planning Act:

- (a) Housing Issues Update;
- (b) Urban Design Guidelines Update;
- (c) Community Facilities Strategy and Update;
- (d) Archaeology Assessment and Heritage Impact Statement;
- (e) Arborist/Tree Preservation Report;
- (f) Transportation Impact Study and Update, including appropriate consideration of parking, loading, traffic operations and transit improvements;
- (g) Servicing and Stormwater Management Report;
- (h) Tenant Relocation and Assistance Plan; and
- (i) Consideration of financial implications and the timing of the provision of municipal infrastructure and services set out above.”

Demolition Control

Section 33 of the Planning Act provides that Council may refuse an application for demolition of a residential building where no building permit has been issued. Council may also impose conditions with respect to the demolition.

Section 111 of *the City of Toronto Act, 2006* provides the City powers to prohibit and regulate the demolition of residential rental properties and conversion to a purpose other than the purpose of a residential rental property. City Council has adopted an implementing by-law (885-2007) for section 111 of the Act. Applications for residential demolition in Regent Park do not require approval under the new by-law, as TCHC applied for and received Official Plan and Zoning By-law Amendments for the redevelopment prior to proclamation of the new City of Toronto Act.

Agency Circulation

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

COMMENTS – APPLICATION TO REMOVE HOLDING SYMBOL

This section discusses each of the conditions to remove the H as set out in Policy 4.1.4 of the Regent Park Secondary Plan. The conditions were primarily intended to manage the issues related to approvals of entire phases, rather than individual land parcels. Staff have reviewed the application with consideration that only a single parcel is affected.

Housing Issues Update

A Housing Issues Report is required from TCHC prior to the lifting of the Holding Symbol for the zoning of each phase of redevelopment. The purpose of the report is generally to provide an update on the housing proposed for the overall development, and in particular, to monitor the demolition of social housing units and ensure their replacement in accordance with Official Plan policies and the Section 37 agreement.

While a full report on housing issues will be required prior to removal of the H for Phase 2, the primary purpose of the report submitted for the current application is to assess whether there are any implications of demolishing the housing on the parcel in the context of the progress of social housing replacement in Phase 1. The Regent Park Secondary Plan and the Section 37 Agreement for the redevelopment require that TCHC locate at least 1,771 of the 2,083 replacement social housing units in the Regent Park Secondary Plan area, conversely permitting up to 312 units to be located off-site.

In Phase 1, TCHC has completed the demolition of 418 social housing units, and commenced the construction of some of the social housing replacement units. TCHC reports that 347 replacement social housing units will be constructed on-site (including the 30 Regent St. site) in Phase 1. In addition, TCHC is targeting another 233 replacement units to be built on three off-site locations in the eastern downtown area, which are under construction and will be completed during the same time period as the Phase 1 construction on the Regent Park site. Thus, a total of 580 replacement social housing units are scheduled for completion during Phase 1, more than the number that have been demolished.

TCHC has also received funding to provide new affordable rental housing both within Regent Park and at off-site locations in the eastern downtown. Some new buildings will contain a mixture of replacement social housing and new affordable rental housing.

The proposed demolition of 55 units to make way for the construction of an indoor swimming pool would occur prior to the commencement of Phase 2. Staff are satisfied that this does not create additional problems for the phasing of tenant relocation because of the pace of social housing replacement outside of the Regent Park boundaries. During the Phase 1 period, 580 replacement units are targeted for construction. With the demolition of the 55 units from the Phase 2 area, a total of 473 units will be demolished.

Demolition and Replacement of Regent Park Social Housing Units: Phase 1 period		
	Demolition	Replacement
Phase 1 on-site	418	347
Phase 1 off-site	0	233
Swimming pool land parcel	55	0
Total	473	580

With respect to demolition and replacement of large family-size units (3, 4, and 5-bedrooms), 167 have been demolished in Phase 1 or are proposed for demolition under

the current demolition application, whereas 314 are under construction or planned for Phase 1 or off-site during the Phase 1 construction period.

Urban Design Guidelines

Council adopted the Regent Park Urban Design Guidelines at its meeting of April 12-14, 2005. The Regent Park Secondary Plan requires an update to the Guidelines (a phase-specific Development Context Plan) prior to the removal of the Holding Symbol from each phase of the redevelopment, in order to address the unique circumstances of each phase.

Staff are satisfied in this case that an update to the Urban Design Guidelines is not necessary, as the H is proposed for removal from only one land parcel which will ultimately be part of the large central park planned for neighbourhood. The City is undertaking a master plan process for the future park, coordinated with the design of the swimming pool, and this is an appropriate way to identify and comprehensively address urban design issues on the block.

Community Facilities Strategy and Update

Council adopted a Community Facilities Strategy for Regent Park in September 2005, which must be monitored and updated before new phases of development proceed. A full update will be required prior to the second phase of redevelopment. An update at this time is not useful, as no buildings in the first phase have been completed.

Archaeology Assessment and Heritage Impact Statement

TCHC has completed a Stage 2 archaeological assessment for those areas of Regent Park where it was determined necessary by previous study. The assessment documented no archaeological sites. The Ministry of Culture has acknowledged review and approval of the assessment for licensing purposes. Heritage Preservation Services staff are satisfied that any further conditions respecting archaeology for this site can be secured through Site Plan Approval.

Arborist/Tree Preservation

Issues related to tree preservation, tree replacement, and planting of new trees have been addressed throughout the planning process for Regent Park. The Urban Design Guidelines include a tree preservation and replacement strategy and standards for planting of new trees in and adjacent to the public realm.

The Phase 2 Urban Design Guidelines update (Development Context Plan) will include a general tree planting plan. Specific planting plans are being secured with Site Plan Approval of each individual building. Staff will use Site Plan review for the indoor pool, in conjunction with the Development Context Plan for Phase 2, to secure planting of new trees in a way that is consistent with the Regent Park Urban Design Guidelines.

Transportation Impact Study and Update

As the site includes frontage on Dundas Street East, staff do not anticipate that the pool will require new roads. Technical Services staff have advised that Site Plan review will be sufficient to address any transportation issues for the site.

Servicing and Stormwater Management

As with transportation related issues, Technical Services staff have advised that they anticipate no off-site servicing requirements for the pool. Site Plan review will be a sufficient process to address any servicing and stormwater issues.

Tenant Relocation and Assistance Plan

A Tenant Relocation and Assistance Plan for Regent Park was approved in September 2005. The related implementation plan was approved in November 2005 and is managed and monitored by staff in Shelter, Support and Housing Administration.

Financial Implication and Timing of Provision of Infrastructure

The swimming pool will be constructed and operated by the City. Funding for the proposed swimming pool is included in the approved 5-year capital plan for Parks, Forestry and Recreation and is within existing targets.

COMMENTS – APPLICATION FOR RESIDENTIAL DEMOLITION

TCHC has requested permission under Section 33 of the Planning Act to demolish three buildings containing 55 residential units located at 230 Sumach, 202-208 Sumach Street, and 638-644 Dundas Street East. TCHC has not yet made technical submissions respecting Building Code requirements for a demolition permit.

Neither TCHC nor the City has applied for building permits to construct the new swimming pool on the site. TCHC is requesting permission to demolish the buildings in advance of a building permit for a new building in order to provide vacant land to the City. Development of the pool will require Site Plan Approval prior to construction.

Staff have recommended conditions of demolition respecting site conditions, environmental hazards, and tree preservation. Other issues are discussed below.

Provincial Consent

The Social Housing Reform Act requires Provincial consent for the sale or lease and the redevelopment of social housing properties. At its meeting of February 1-3, 2004, Council directed that prior to the issuance of demolition permits for any buildings in Regent Park, that TCHC be required to obtain the Provincial consent for the sale or lease of land as required under the Social Housing Reform Act, and that this condition be secured through demolition control.

Rental Housing Replacement

City Council approved the revitalization of Regent Park on condition that all of the existing social housing units to be demolished were replaced and that tenants would receive assistance with relocation. Replacement housing is under construction on the Phase 1 lands of the redevelopment and the status of the replacement is discussed earlier in this report. The City has a number of tools to ensure the replacement of rental housing. The Section 37 agreement required by earlier planning approvals secures the replacement of Regent Park's social housing units, monitored through Housing Issues Updates. TCHC must also operate in accordance with the Shareholder Direction adopted by Council in October 2001. Given these circumstances, staff have not recommended further conditions of the demolition permit related to replacement of social housing.

Tenant Relocation and Assistance

Tenant relocation and assistance is a legitimate issue with respect to residential demolition and has been discussed earlier in this report with respect to the lifting of the holding symbol.

The Tenant Relocation and Assistance Implementation Plan is the instrument through which staff of Shelter, Support and Housing Administration will manage and monitor the implementation of the City's requirements for tenant relocation and assistance. A Construction Mitigation and Tenant Communication Strategy is also in place.

CONTACT

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SIGNATURE

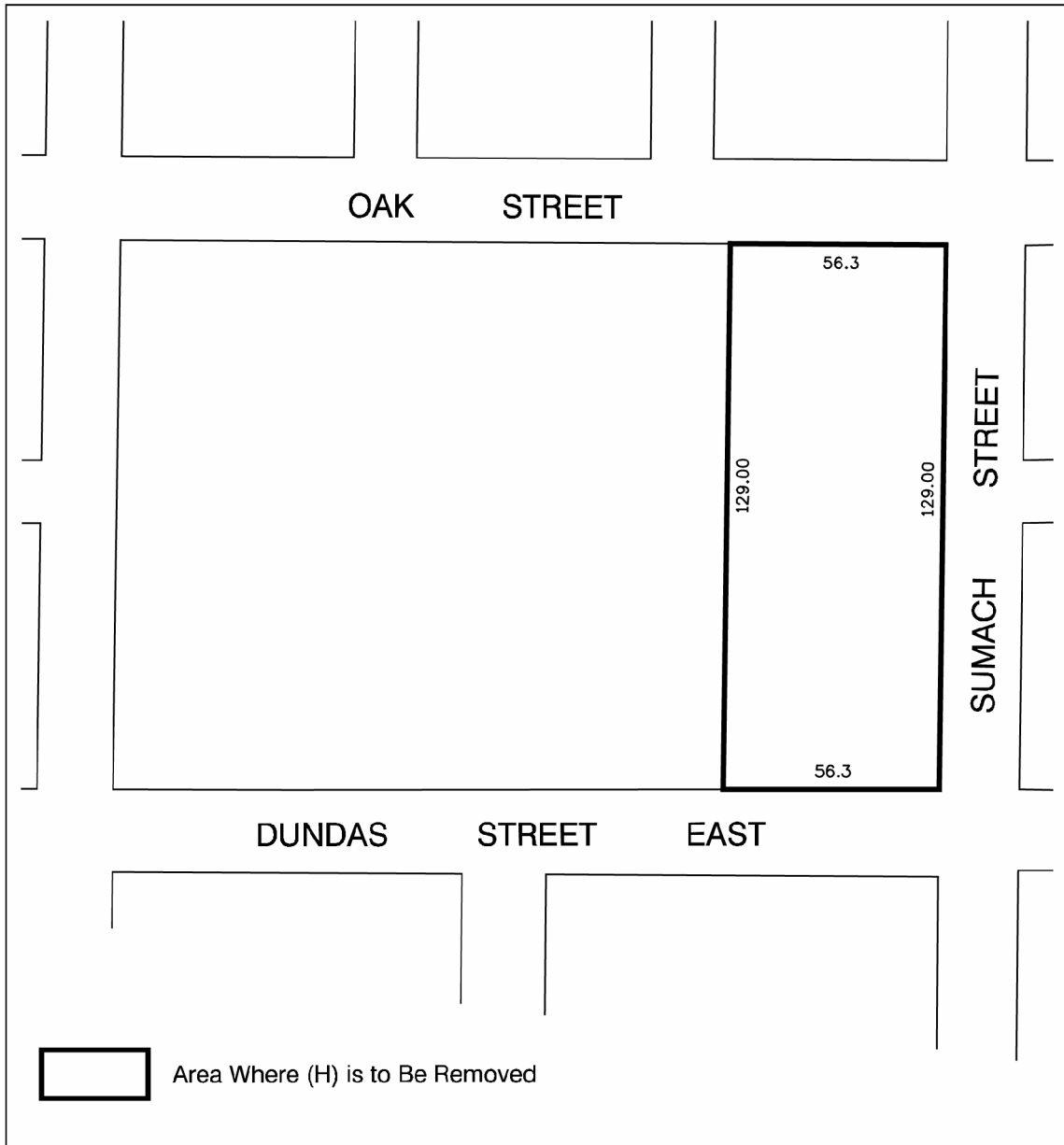
Gary Wright, Director
Community Planning, Toronto and East York District


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ATTACHMENTS

Attachment 1: Map 1, illustrating lands from which H to be removed

Attachment 1

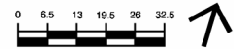


 Area Where (H) is to Be Removed



Part of 620 Dundas Street East (230 Sumach Street)

File # 07_256056



Zoning By-law 438-86 as amended
09/11/07 - DR