

**Final Report – 209 & 215 Fort York Boulevard
(Parcel 2 within Block 1/2A of the Fort York Neighbourhood)
Rezoning Application to Remove the Holding Symbol (“h”)**

Date:	June 11, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	07-289392 STE 19 OZ

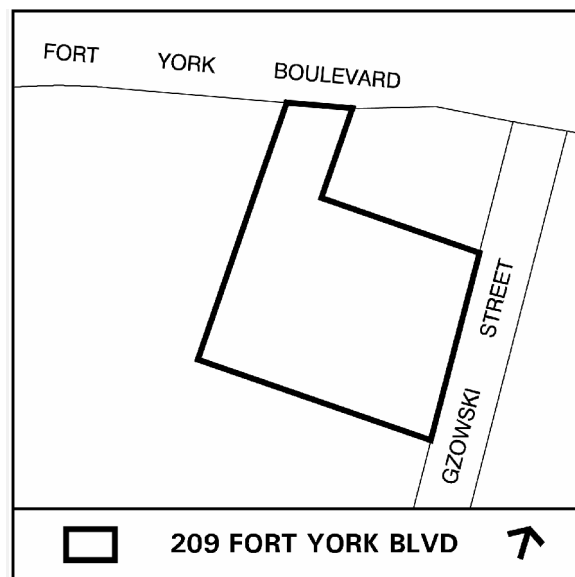
SUMMARY

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.

A zoning by-law amendment application has been filed proposing the removal of the holding symbol (“h”) from the R4 zoning on Block 1/2A, Parcel 2 (“Parcel 2”) in the Fort York Neighbourhood (“FYN”). Parcel 2 comprises part of lands municipally known as 209 & 215 Fort York Boulevard. The removal of the “h” will permit residential development with street related retail and service uses to proceed.

This report reviews the applicable Official Plan policies and recommends approval of the application to amend Zoning By-law No. 937-2002 (OMB), as amended, to remove the holding symbol and associated provisions from Parcel 2.

This report also recommends amendments to the Amended and Restated Section 37 Agreement registered on title to Block 1/2A in the FYN related to the lifting of the holding symbol over Parcel 2, the development objectives of the View Corridor Lands in the FYN, and to generally to update and reflect current City policies and practices.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 937-2002 (OMB), as amended, in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3, to remove the holding symbol (“h”) from Block 1/2A, Parcel 2 in the Fort York Neighbourhood being part of lands municipally known as 209 and 215 Fort York Boulevard;
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. The Bills related to the Zoning By-law Amendment be introduced to Council for enactment after the owner of Block 1/2A, Parcel 2 has entered into an agreement satisfactory to the City Solicitor that amends the Block 1/2A Amended and Restated Section 37 Agreement to:
 - i. reflect the intention of the owner to develop Block 1/2A, Parcel 2 and Block 2 in the Fort York Neighbourhood in a comprehensive manner as contemplated in the development context plan submitted with the owners site plan application No 07 270940 STE19 SA; and
 - ii. require, if the industrial uses are continuing on all or part of Blocks 2, 3 or 4/4A in the Fort York Neighbourhood, and the owner wishes to proceed with residential development on Block 1/2A, Parcel 2 that, prior to the issuance of an above-grade building permit for any building or structure within those lands, the owner shall satisfy the obligations set out in Section 4.6.3 b) of the Fort York Neighbourhood Part II Plan (or Fort York Neighbourhood Secondary Plan as applicable);
4. City Council confirm the City’s election with respect to the View Corridor identified on Plan 1 of By-law No. 937-2002(OMB), as amended, to provide for the construction of the adjacent Street “B” (15m) and the conveyance of the remaining lands for public park purposes (part of June Callwood Park) as set out in the Block 1/2A Amended and Restated Section 37 Agreement;
5. City Council authorize amendments to the Block 1/2A Amended and Restated Section 37 Agreement as it relates to Phase 2 of Block 1/2A as shown on Attachment 2 to this report, and satisfactory to the City Solicitor, to update and reflect the View Corridor objectives as well as current City policies and practices including those related to servicing, infrastructure, environmental matters and land transfers; and
6. City Council authorize execution of an amended and restated Block 1/2A Section 37 Agreement applicable to Phase 2 of Block 1/2A necessary to give effect to the foregoing and as described in this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Official Plan Amendment No. 269 to the former City of Toronto Official Plan was approved by the Ontario Municipal Board (OMB) on September 15, 2003. It identified a “Holding Symbol Area” within the Fort York Neighbourhood Part II Plan and added provisions for use of the holding symbol.

By-law No. 937-2002(OMB) is a site specific zoning amendment applying to Block 1/2A. It was amended by By-law No. 9-2005(OMB) to impose a holding symbol (“h”) on Parcel 2 in the area shown on Attachment 1. The reasons related to split ownership with adjacent Block 2 to the north as well as proximity to a cement batching plant operated by St. Marys Cement Inc. (Canada) (St. Marys).

In March 2003 the City entered into an Amended and Restated Section 37 Agreements with the owner of Block 1/2A relating to both phases. The agreement was amended in connection with Parcel 2 in August 2004.

ISSUE BACKGROUND

Proposal

The applicant has submitted a zoning by-law amendment application to amend Zoning By-law No. 937-2002 (OMB), as amended, to remove the holding symbol (“h”) applying to Parcel 2. This will allow Phase 2 of the Block 1/2A development, which includes residential development with grade related retail and service uses, to proceed in accordance with the underlying R4 zoning.

Site and Surrounding Area

Parcel 2 comprises part of the lands municipally known as 209 & 215 Fort York Boulevard and is within the area bounded by Fort York Boulevard (north and west), Gzowski Street (east) and Fleet Street (south).

The surrounding uses include:

North: Block 2 is directly adjacent and to the north of Block 2, across Fort York Boulevard is the historic Fort York site

South: Fleet Street, Gore Park, Lake Shore Boulevard West and Coronation Park

East: The proposed Gzowski Street and June Callwood Park

West: Phase 1 of the Block 1/2A development (known as Neptune)(residential with grade-related services uses)

Zoning

Parcel 2 is zoned “R4 (h)” residential. Permitted uses under the existing holding provisions include temporary showrooms, non-habitable buildings, structures or improvements integral to development on adjacent properties and surface parking. Block 1/2A, including the balance of Phase 2, is zoned R4.

Site Plan Control

The applicant submitted a Site Plan application on October 31st, 2007 for those lands shown on the Site Plan drawing included at Attachment 2 (209 and 215 Fort York Boulevard). The application relates to Phase 2 of the (Neptune) development on Block 1/2A as well as Block 2. The development consists of a 38-storey residential tower with adjoining 7-storey and 4-storey building components (within Block 1/2A) and a 16-storey residential tower with an adjoining 8-storey component (within part of Block 1/2A, Parcel 2 and Block 2).

Reasons for Application

The holding symbol (“h”) needs to be removed to allow the lands to be developed in accordance with the underlying zoning of Block 1/2A (R4(h) to R4).

Agency Circulation

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

COMMENTS

Removal of the holding symbol (h) from Block 1/2A, Parcel 2:

The policies allow the use of a holding symbol in two circumstances. Firstly, where a subject property is adjacent to lands held under different ownership and not separated by a street and, secondly, where residential uses are proposed in such proximity to industrial activity that adverse effects may result.

Pursuant to the applicable FYN Part II Plan policies, the conditions for removal of a holding symbol are dependent upon the reasons it was imposed:

- a) When the (“h”) relates to comprehensive development of adjacent blocks the owner must
 - i) show that the subject lands have merged in ownership with adjacent lands; or
 - ii) submit a Development Context Plan.

Phase 2 of Block 1/2A and Block 2 are now owned by a common entity, and the owner has submitted a development context plan with the pending Site Plan application that reflects the intent to develop the lands comprehensively. Staff are recommending that the Section 37 Agreement applicable to the Phase 2 lands be amended to reflect this intention. Similar reciprocal provisions were included in the Block 2 Section 37 Agreement.

- b) When the (“h”) relates to existing industrial activity where residential development is proposed the owner must i) show that the industrial activity has ceased or that, in all likelihood, it will cease within a reasonable specified date; or ii) where the industrial use is to continue, submit a report in accordance with Ministry of Environment Compatibility Guidelines (Industrial and Sensitive Land Uses) and make arrangements satisfactory to the Director of Technical Services for incorporation of appropriate mitigation measures.

The industrial activity relevant to the development on Parcel 2 relates to the existing cement batching operations by St. Marys on all or part of Blocks 2, 3 and 4/4A. St. Marys no longer owns the lands but leases from respective owners of those blocks. Staff have been provided with confirmation that St. Marys is required to vacate its premises on or before August 2009. Based on this information, staff are satisfied that operations will cease on or before a reasonably specified date thereby allowing removal of the (“h”). However, as added assurance, staff recommend that the Section 37 Agreement applicable to Parcel 2 be amended to require the owner to submit a report related to the Ministry of Environment compatibility guidelines that will establish the mitigation measures to be incorporated in the development, prior to issuance of any above-grade permit on Parcel 2 if the St. Marys industrial activities are continuing at that time.

The bill for the Zoning Amendment included at Attachment 3 should be held pending execution of an agreement amending the Block 1/2A Section 37 Agreement incorporates the above requirements.

Election related to Street B and June Callwood Park:

At the time of the amending by-laws and Block 1/2A Section 37 Agreement, a View Corridor was identified and conveyed to the City in escrow by the owner, but the specifics as to how it would function remained uncertain. Council subsequently adopted the Public Realm Master Plan and various amendments to the FYN Part II Plan that solidified the City’s intention with respect to the View Corridor.

Street B (Gzowski Street) is now proposed to have a width of 15m and the remaining land within the View Corridor will form part of June Callwood Park to the immediate east. Agreements with other area developers are now also in place to facilitate the land assembly necessary to complete the remainder of June Callwood Park. This evolution is effectively an election of one of the options in the Block 1/2A Section 37 Agreement that establishes the owners obligations associated with the View Corridor as Phase 2 proceeds. However, Staff seek Council confirmation of this election and authorization to amend the Block 1/2A Section 37 Agreement.

Other Amendments to the Block 1/2A Section 37 Agreement:

Since the original Block 1/2A Section 37 Agreement was entered into there have been changes to City policies and practices, particularly with respect to servicing, infrastructure, land transfers and environmental requirements. Authorization is requested to also incorporate necessary modifications into an amended and restated agreement applicable to the Phase 2 lands, and to authorize execution by the City of all modifications. Staff are recommending that the provisions relating to the lifting of the holding symbol on Parcel 2 be incorporated into the same agreement.

Legal, Parks, Forestry and Recreation, Community Planning and Technical Services staff support the proposed amendments to the Section 37 agreement that will apply to Phase 2 Block 1/2A. Staff have discussed the proposed amendments and preparation of an amended and restated Section 37 agreement with the applicant, and the applicant has agreed to the amendments.

Conclusion

It is appropriate for Council to amend Zoning By-law No. 937-2002(OMB), to remove the holding symbol (“h”) from Block 1/2A, Parcel 2 in the Fort York Neighbourhood. Staff are satisfied that the conditions for removal of the (“h”) set out in the Official Plan policies have or will be satisfied provided the requirements set out in the recommendations of this report are met prior to the bill being put forward for enactment.

Amendments to the Section 37 Agreement as it relates to Phase 2 of the Block 1/2A development are appropriate and, combined with the removal of the holding symbol over Parcel 2, will facilitate the orderly development of the lands municipally known as 209 and 215 Fort York Boulevard.

CONTACT

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SIGNATURE

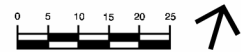
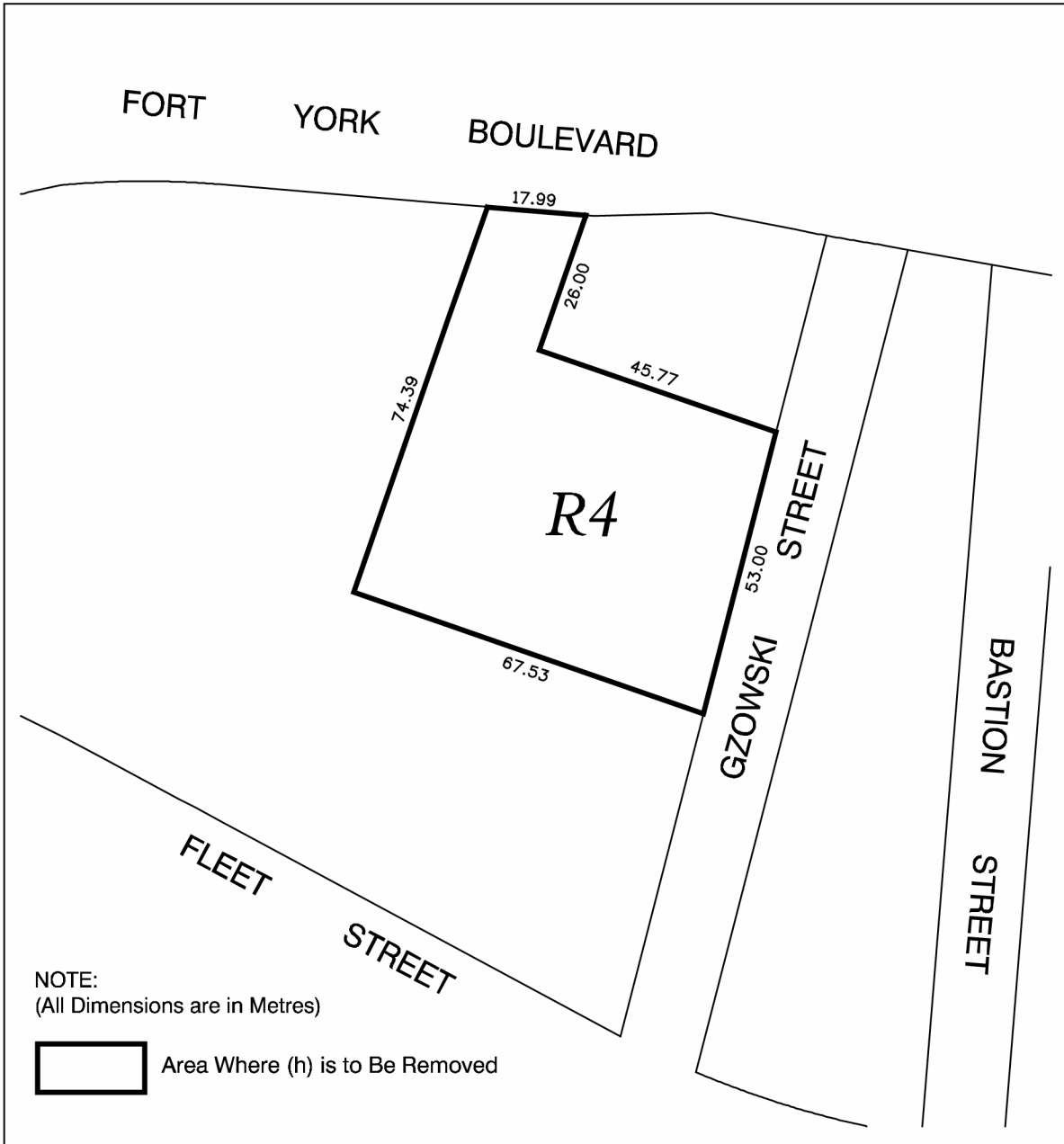
Raymond David, Acting Director
Community Planning, Toronto and East York District

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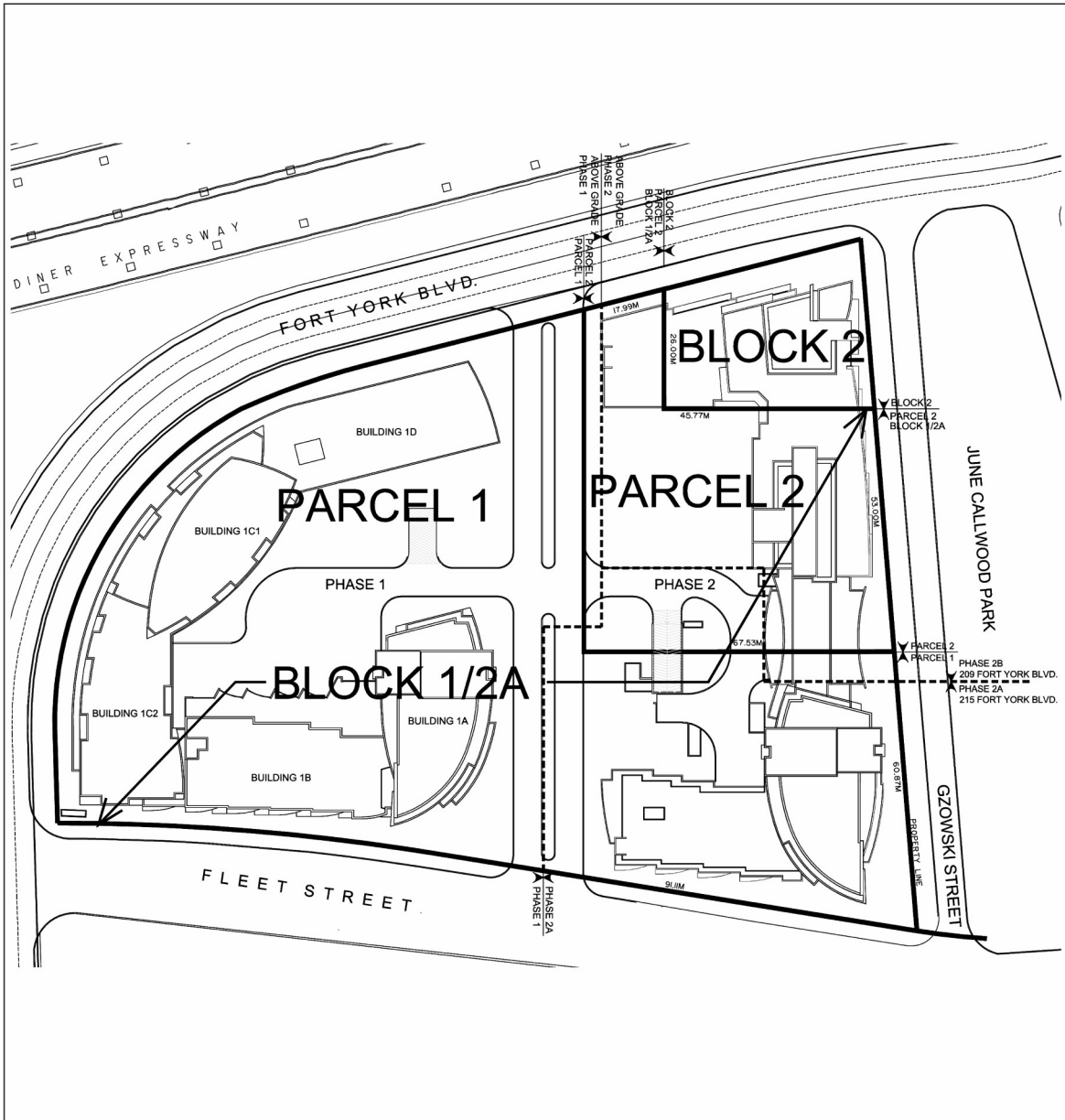
ATTACHMENTS

Attachment 1:	Area where (h) is to be removed
Attachment 2:	Site Plan
Attachment 3:	Draft Zoning By-law Amendment
Attachment 4:	Application Data Sheet

Attachment 1: Area where hold is to be removed



Attachment 2 – Site Plan



Toronto City Planning
Map 2: Proposed Property Layout

Parts of Lands Municipally known as
209 & 215 Fort York Boulevard
 File # 07_289392

↑
 Not to Scale
 06/10/08

Attachment 3 – Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ● as adopted by City of Toronto Council at its meeting ●, 2008

Enacted by Council: ●, 2008

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008

To amend Zoning By-law No. 937-2002(OMB), being a by-law “To amend By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, with respect to lands known as a portion of 640 Fleet Street as well as 640R, 642 and 650 Fleet Street, being block 1/2A, as well as By-law No. 1995-0466 and By-law No. 1996-0247” with respect to the lands municipally known in the year 2008 as part of 209 & 215 Fort York Boulevard and being Parcel 2 of Block 1/2A in the Fort York Neighbourhood

WHEREAS authority is given to Council by Section 36 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, for use of a holding symbol (“h”) 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;

WHEREAS there are official plan policies in effect addressing the use of the holding symbol in the Fort York Neighbourhood;

WHEREAS it is appropriate that the “h” holding symbol be removed in relation to the subject lands; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. By-law No.937-2002(OMB), being a by-law “To amend By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, with respect to lands known as a portion of 640 Fleet Street as well as 640R, 642 and 650 Fleet Street, being block1/2A, as well as By-law No. 1995-0466 and By-law No. 1996-0247”, as amended by By-law No. 9-2005(OMB), is further amended by:
 - (1) deleting Plan 2 and replacing it with the plan attached hereto as Schedule “1”; and
 - (2) deleting “R4(h)” after the words “Parcel 2 of block1/2A to” in Section 1 and replacing it with “R4”;

- (3) deleting Section 12 in its entirety and inserting in its place the words “Intentionally Deleted”.

ENACTED AND PASSED this ~ day of ~, A.D. 2008.

MAYOR

CITY CLERK

Schedule "1"

PLAN 2

