

**Final Report
181-225 Mill Street Rezoning Application**

Date:	September 16, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	File No. 08-141348 STE 28 OZ

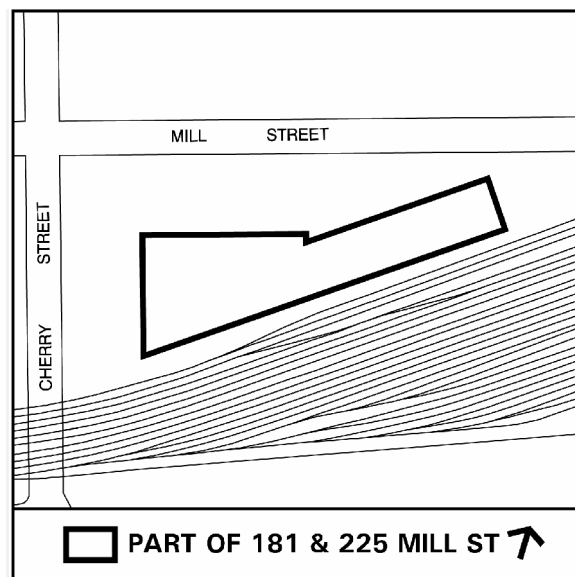
SUMMARY

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.

The application proposes to amend Zoning By-law 438-86, as amended, to add a use prior to lifting the (h) in order to permit a district energy heating and cooling plant in the RA zoning category to a portion of the lands known as 181-225 Mill Street, also known as ‘Block 8’ in the West Don Lands Precinct Plan.

The Central Waterfront Plan promotes the use of sustainable technologies such as, district energy heating and cooling and the King-Parliament Plan also promotes these uses specifically within the West Don Lands.

This report reviews and recommends approval of the application to permit a district energy heating and cooling use prior to lifting the (h) holding symbol and to amend Zoning By-law 438-86, as amended.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law 438-86, as amended, to permit the use of a district energy heating and cooling plant prior to lifting the (h) holding symbol substantially in accordance with the draft Zoning By-law Amendment, Attachment 5; and
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 recommendations in this report have no financial impact.

DECISION HISTORY

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 Zoning By-law, 1996-0236 was implemented zoning the area 'RA-h', Reinvestment Area, with a holding symbol. In addition, the West Don Lands Precinct Plan was endorsed by City Council in May 17, 18 and 19, 2005.

The original rezoning applications from Waterfront Toronto were to permit the district energy heating and cooling use and the removal of the (h) holding symbol. A preliminary staff report was submitted to Community Council on May 6, 2008 and was subsequently adopted at the May 26 & 27 City Council meeting for both of these rezoning permissions. It has been determined by staff that the applicant's request to remove the (h) holding symbol is not necessary due to the provision in the King-Parliament Plan which identifies similar uses such as industrial, light industrial and public works that do not require the removal of the (h) holding symbol. As such, the current rezoning application is to permit the use of a district energy heating and cooling plant prior to the removal of the (h) holding symbol.

ISSUE BACKGROUND

Proposal

An application has been submitted to permit a district energy heating and cooling plant prior to lifting of the (h) to operate and support future development in the West Don Lands. The proposed District Energy Facility site is approximately 4535 m².

Site and Surrounding Area

The site falls within the West Don Lands Precinct generally located east of Parliament Street, west of the Don River, north of the GO/CN rail corridor and south of King Street

and Eastern Avenue. Specifically, the site is located on the east side of Cherry Street, west side of the former Water Street, north of the GO/CN rail corridor, and south of Mill Street. This area is also known as 'Block 8' in the West Don Lands Precinct Plan. The total area of Block 8 is approximately 8463m². The site is currently a vacant lot. See Attachment 1.

The site is surrounded by the following uses:

North: Mill Street and vacant land.

South: GO/CN rail corridor.

West: a vacant lot referred to as 'Block 28' in the West Don Lands Precinct Plan which is planned to support a stormwater quality facility and the Toronto Transit Commission streetcar loop.

East: a vacant lot referred to as 'Block 9' in the West Don Lands Precinct Plan which is planned to support school and community centre uses.

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.

Central Waterfront Plan

The Central Waterfront Plan was passed as an Official Plan Amendment No. 257 by City Council on April 16, 2003. Although the Waterfront Plan was appealed to the Ontario Municipal Board, it was approved on December 9, 2005, as it pertains to the West Don Lands with the exception of the housing policies. It identifies the West Don Lands area as a "Regeneration Area".

Specifically, Policy 26 of the plan promotes a sustainable waterfront:

"The Central Waterfront will be a model of leading edge environmental technologies. Alternative sources of generating electricity, including co-generation, anaerobic digestion, wind turbines and solar power, will be pursued as well as district heating and cooling."

King Parliament Plan

The King-Parliament Plan Policy 10.1 identifies the West Don Lands as a *Reinvestment Area*. This designation provides for a broad mix of residential, live/work, commercial, industrial, light industrial and institutional, including recreational and open spaces uses in an urban form in order to revitalize areas that are largely vacant or under-utilized.

Policy 6.7 of the King-Parliament Plan encourages a district energy heating and cooling plant within the King-Parliament area including:

- (a) the installation of District Heating and Cooling infrastructure within individual buildings in conjunction with development; and
- (b) the establishment of a District Heating and Cooling Plant to serve the area

West Don Lands Precinct Plan

The West Don Lands Precinct Plan was endorsed by City Council on May 17, 18, & 19th, 2005. The Precinct Plan provides an important framework for the West Don Lands to determine the necessary public infrastructure initiatives and the built form development for the area. Sustainability measures are a key component of the plan including, a district energy heating and cooling plant. The district energy plant was identified and located in the precinct plan as part of Block 8, south of Mill Street.

Zoning

The site is zoned as a Reinvestment Area Holding 'RA-h' with a height permission up to 26 metres. See Attachment 4. No density limits are established for RA zones. The RA zone permits a range of residential and non-residential uses including many industrial uses however, not a district energy heating and cooling plant. Prior to the lifting of the holding symbol, the following uses are permitted; industrial or light industrial and the provision of any public work which is consistent with the use of the land in accordance with the King-Parliament Plan.

Site Plan Control

The applicant has submitted a Site Plan application for staff review concurrently with the Zoning By-law Amendment application. It is anticipated that the applicant will also submit an additional application to address the land severance required to complete the review process.

Reasons for Applications

A district energy heating and cooling plant use is not permitted prior to the lifting of the holding symbol.

Community Consultation

A community consultation meeting was held on July 2, 2008. Approximately 18 members of the public attended the meeting as well as the applicant and their consultants and City Planning staff. Issues raised include:

- the use of the TTC loop space
- the potential noise from the plant
- the provision of screening on the rooftop
- the need to incorporate lights around the terraced steps to the rooftop
- a desire for pedestrian access to the rear of the proposed district energy plant
- how the proposed integrated City operated storm water quality plant will operate to support the West Don Lands neighbourhood

Design Review Panel

The applicant presented the district energy plant Site Plan application to the Waterfront Toronto Design Review Panel on July 8, 2008.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

Zoning

A district energy heating and cooling plant is not a permitted use. A Zoning By-law Amendment is required to allow the district energy heating and cooling plant use to ensure conformity with the policies promoting sustainable technology uses in the Central Waterfront Plan, the King-Parliament Plan and the West Don Lands Precinct Plan. This proposed use is consistent with the industrial, light industrial and public works uses as identified in the King-Parliament Plan that are permitted prior to the removal of the (h) holding symbol.

Built Form and Height

The proposed district energy plant design has been altered and significantly improved from the originally contemplated form in the precinct plan. The precinct plan had shown a smaller, square shaped building at 1-2 storeys in height and 3000m² in size. The proposal has advanced to a longer, rectangular shaped building at 1 storey in height and 4535m² in size. This new rectangular built form will provide a series of terraced steps for pedestrians to access the green rooftop from either end of the building and ramps for universal access.

With the rezoning submission, Waterfront Toronto noted that a temporary stack may be constructed up to a height of 50 metres but the final height is determined by the Ministry of the Environment. In future, once the development of the 24 storey residential building to the north occurs, the temporary stack will be replaced by a permanent stack at an approximate height of 88 metres that will be incorporated into the building concealing as much of the stack as possible. Given the existing 26 metre height permission on the block, it is anticipated that a rezoning application will be required for the height of the permanent stack and residential building to the north. The permanent stack height will also be determined by the Ministry of the Environment.

Organization of Site

The district energy plant will be sited within Block 8, south of Mill Street along the rail corridor. A sustainability centre is proposed on the north side of the plant. This will be a

community and educational resource centre. West of the plant will be a reflecting pond and pergola.

Also on this block will be three future residential developments to the north, a public driveway to the east, an integrated storm water quality plant on the west of the district energy plant building and a TTC loop further west.

The applicant has submitted a Site Plan application which is being reviewed concurrent with the rezoning application. Staff will ensure that the siting and organization of the district energy plant will be compatible with the adjacent uses.

Sustainability

A principle for the development of the West Don Lands is sustainability. The application proposes a district energy heating and cooling plant for the West Don Lands Precinct. This use responds to the policies as outlined in the Central Waterfront Plan, the King-Parliament Plan, and the West Don Lands Precinct Plan. Waterfront Toronto has advised staff that the district energy plant will use technology that has been tested within many mixed-use and residential neighbourhoods throughout the world. The City has recently approved a district energy plant within the Regent Park Community and in East Bayfront. Furthermore, the district energy plant is designed to achieve at least the minimum LEED standard.

Conclusion

It is appropriate for Council to amend Zoning By-law No. 438-86, as amended, to permit the use of a district energy heating and cooling plant prior to the lifting of the (h) as a progressive sustainability measure as contemplated by the Central Waterfront Plan, the King-Parliament Plan and the West Don Lands Precinct Plan.

CONTACT

Diane Silver, Planner
Tel. No. (416) 397-4648
Fax No. (416) 392-1744
E-mail: dsilver2@toronto.ca

SIGNATURE

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

(P:\2008\Cluster B\pln\teycc19490867039.doc) - smc

ATTACHMENTS

Attachment 1: Context Plan

Attachment 2: Aerial Concept View

Attachment 3: Concept View from West

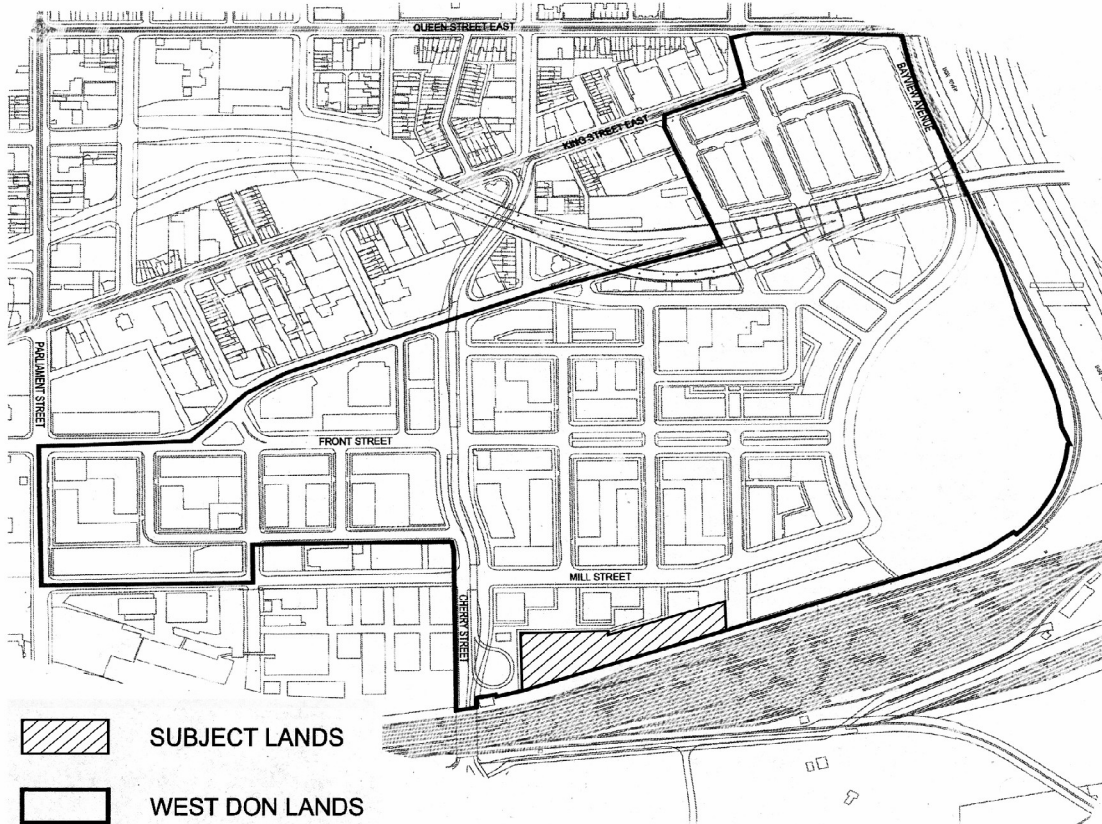
Attachment 4: Aerial View

Attachment 5: Zoning

Attachment 6: Draft Zoning By-law Amendment

Attachment 7: Map 1

Attachment 1: Context Plan



Context Plan

Part of 181 & 225 Mill Street

Applicant's Submitted Drawing

Not to Scale
07/10/08



File # 08_141348

Attachment 2: Aerial Concept View



View from Above : West Don Lands District Energy Centre - Concept **Part of 181 & 225 Mill Street**

Applicant's Submitted Drawing

Not to Scale
07/16/08

File # 08_141348

Attachment 3: Concept View from West



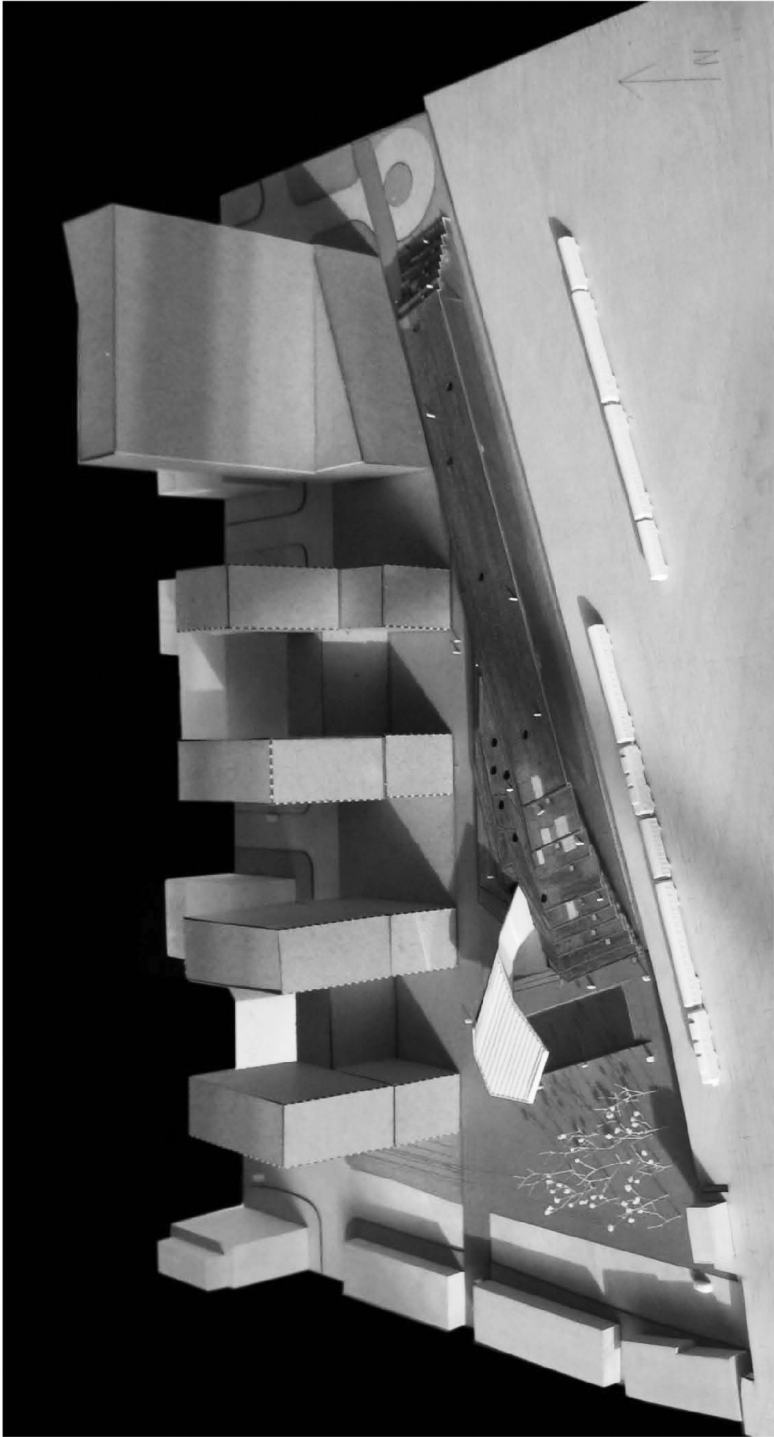
View from the West: West Don Lands District Energy Centre: Concept **Part of 181 & 225 Mill Street**

Applicant's Submitted Drawing

Not to Scale
07/16/08

File # 08_141348

Attachment 4: Aerial View



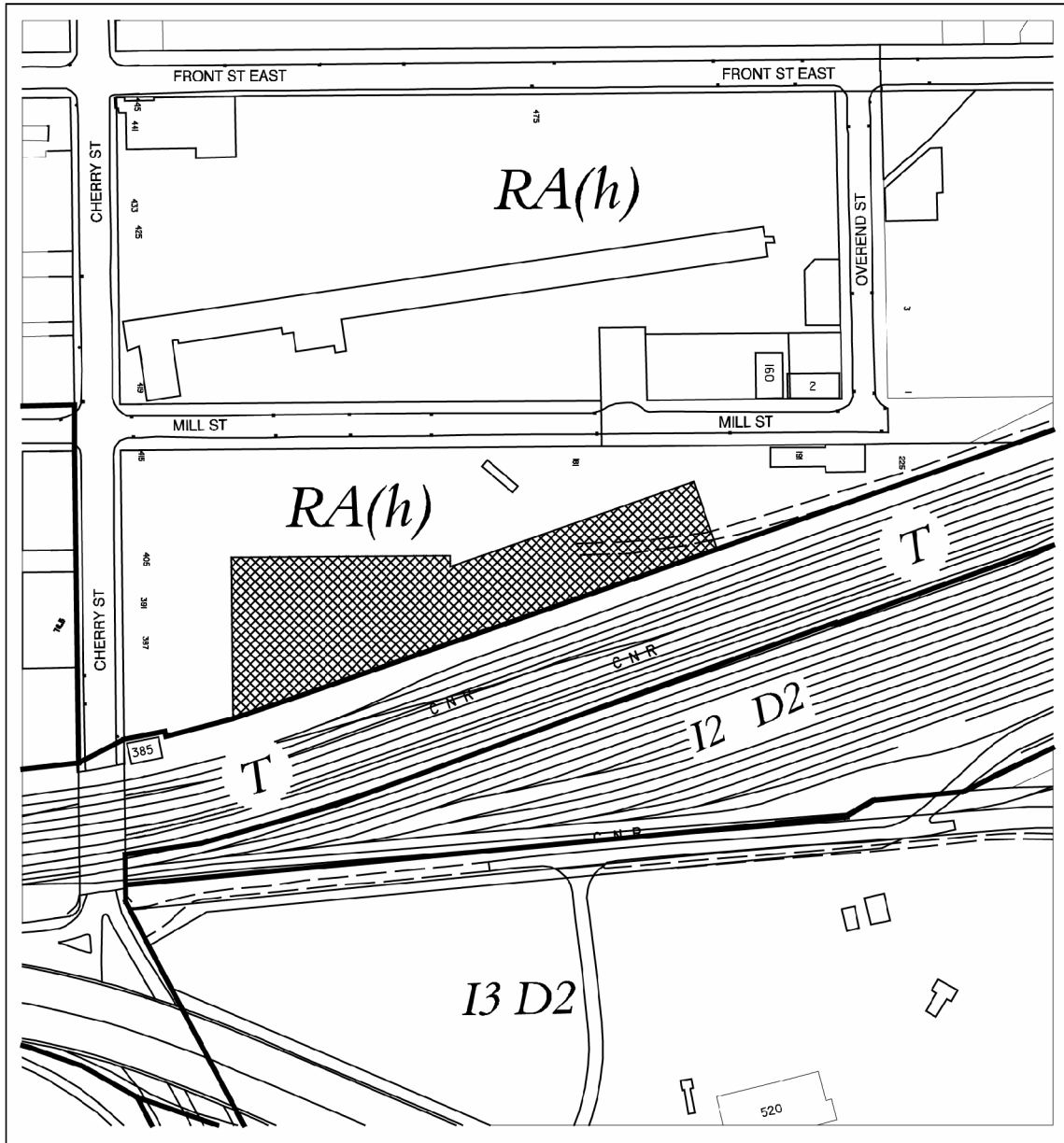
Aerial View: West Don Lands District Energy Centre-Concept **Part of 181 & 225 Mill Street**

Applicant's Submitted Drawing

Not to Scale
09/15/08

File # 08_141348

Attachment 5: Zoning



- RA Mixed-Use District
- I2 Industrial District
- I3 Industrial District
- T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/01/08 - DR

Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~,
Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 2008

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008

To amend Zoning By-law No. 438-86, as amended, with respect to part of the lands municipally known as 181-225 Mill Street in the West Don Lands neighbourhood

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to permit a district energy heating and cooling use by amendment to the zoning by-law;

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. Section 12(1) of By-law No. 438-86 is amended by adding the following exception:

“477. To prevent the erection and use of buildings and structures or the use of land within the area outlined by heavy lines on the map at the end of this exception on a portion of the lands municipally known as 181-225 Mill Street in the West Don Lands neighbourhood, for the purposes of a District Energy Heating and Cooling plant in an RA district, or an RA(h) district, prior to the removal of the “h” holding symbol.”

For the purposes of this exception:

- (i) A District Energy Heating and Cooling Plant shall be defined as a building or structure that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users, and includes any uses *accessory* thereto and a chimney for a district energy heating and cooling plant that has been approved by the Ministry of the Environment.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Attachment 7: Map 1

