

**125-261 Queens Quay East, East Bayfront-West Precinct,
Rezoning Application to remove the Holding Symbol (“h”)
- Final Report**

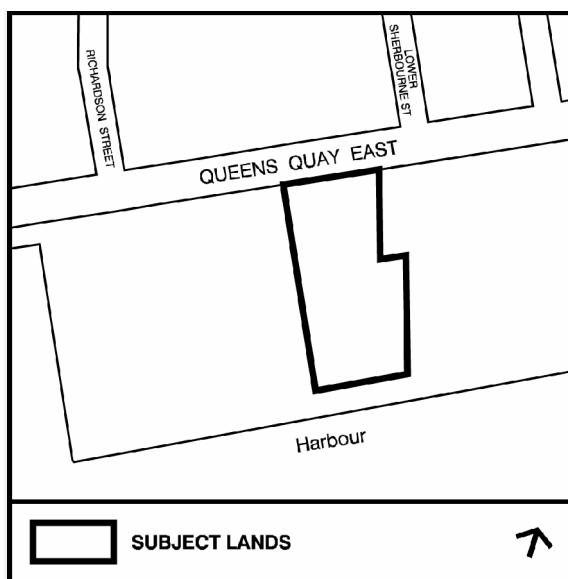
Date:	September 10, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	09 165798 STE 28 OZ

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.

A zoning by-law amendment application has been filed proposing the removal of the holding symbol (“h”), pursuant to Section 36 of the *Planning Act* on the lands located on Part of Lot 22, Registered Plan 694-E on the south side of Queens Quay East, east of Jarvis Street. These lands are part of the East Bayfront-West Precinct plan area and will be further subdivided in the East Bayfront Phase 1 Plan of Subdivision as Blocks 3, 4 and 5. This will allow the development of the George Brown College campus with institutional uses including commercial, and a student residence to proceed.

The East Bayfront-West Precinct Zoning By-law 1049-2006 contemplates the removal of the holding symbol when specific conditions have been satisfied as outlined and where an agreement under the *Planning Act* has been executed.



This report recommends approval of the application to amend the Zoning By-law 1049-2006 to remove the holding symbol and associated provisions from the subject lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No.1049-2006 substantially in accordance with the draft Zoning By-law Amendment as shown on Attachment 2 to remove application of the holding symbol (“h”) from the lands located in Part of Lot 22, Registered Plan 694-E, and will be further subdivided in the East Bayfront Phase 1 Plan of Subdivision as Blocks 3, 4 and 5;
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. City Council authorize the introduction of the necessary Bill by the City Solicitor for enactment by City Council immediately for By-law No.1049-2006 once an agreement under the *Planning Act* has been executed.

Financial Impact

The recommendations in this report have no financial impact

Decision History

The East Bayfront Precinct Plan was endorsed by City Council on December 5th and 6th, 2005. The purpose of the Precinct Plan is to build on the Central Waterfront Plan by providing a greater level of detail with development principles and guidelines. The Precinct Plan provides a framework which implements the direction set by the Central Waterfront Secondary Plan; capitalizes on the City’s intensification policies to support efficient transit and other infrastructure; and aims to achieve a public waterfront of city-wide, regional and national importance. Locations for streets, public open space, promenades and land assigned to building construction are identified within the Precinct Plan.

The East Bayfront-West Precinct Zoning By-law No.1049-2006 was approved by City Council on September 27, 2006. The by-law zoned lands ‘CR’ with a holding symbol (“h”). The requirement to lift the holding symbol is for the execution of an agreement under the *Planning Act* to ensure specific matters are implemented such as, public art contribution, provision of sustainable development measures for LEED Silver Certification, connection to a district energy system, and the provisions of noise, vibration and emission studies and their implementing and recommended mitigation measures, and the inclusion of warning clauses pertaining to the Redpath Facility. Once this has been completed, the holding symbol can be lifted to allow development to proceed.

The East Bayfront-West Precinct Phase 1 Draft Plan of Subdivision was adopted by City Council on July 15th, 16th, and 17th, 2008. It is anticipated that the Plan of Subdivision will be registered this fall and the subject lands will be known as Blocks 3, 4 and 5. (Refer to Attachment 1).

Waterfront Toronto is the 'Master Developer' in this precinct consistent with the tripartite government agreement for all waterfront development, and is in the process of satisfying all of the conditions required in the zoning by-law and subdivision to allow for construction of George Brown College campus to proceed.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend the zoning by-law to remove the holding symbol and allow for the comprehensive redevelopment of lands within a portion of the lands bounded by Queens Quay East to the north, Lake Ontario to the South, Jarvis Street/Slip to the west and Parliament Street/Slip to the east (Refer to map). The application is for a portion of lands that will be included in the George Brown College campus.

The George Brown College Health Sciences campus is on Blocks 3, 4 and 5. Specifically, the intent is for Blocks 3 and 5 (as shown on the Draft Approved Plan) to accommodate institutional, commercial and student residence uses in the development. Block 4 which is a subgrade block, will contain an underground parking garage with building services. The final use will be determined through the site plan approval process between the applicant, Waterfront Toronto, and the City.

Site and Surrounding Area

The site is located in Part of Lot 22, Registered Plan 694-E on the south side of Queens Quay East, east of Jarvis Street. These lands are part of the East Bayfront-West Precinct plan area and will be further subdivided on the East Bayfront Phase 1 Draft Plan of Subdivision into Blocks 3, 4 and 5. These blocks are within the area bounded by Queens Quay East to the north, Lake Ontario to the south, Lower Jarvis Street/Jarvis Slip to the west and Parliament Street/Parliament Slip to the east. The subject lands are currently vacant.

The surrounding uses include:

North: Queens Quay East and existing industrial commercial uses.

South: a proposed public promenade and boardwalk, and Lake Ontario.

East: the construction site of the future Sherbourne Park.

West: a temporary district energy heating and cooling plant and the Corus communications and broadcasting building which is under construction.

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan designates the lands as a *Regeneration Area* which permits a range of uses from industry, residential, community services, parks and commercial.

Zoning

By-law 1049-2006 was enacted by City Council on September 27, 2006 and is in effect for these lands. These lands are zoned as “CR(h)”, commercial and residential with a holding symbol. Permitted uses under the holding provision include commercial parking, and modest non-residential gross floor area increases to pre-existing buildings. Permitted uses once the holding symbol has been lifted are commercial, residential, and institutional.

Site Plan Control

The lands are subject to site plan control. It is anticipated that in late September 2009, George Brown College will submit a site plan application for the development of Blocks 3, 4 and 5 for institutional uses, limited commercial uses and a student residence.

Reasons for Application

The holding symbol (“h”) was placed on the lands to limit the use of the lands until such time as the conditions for removing the “h” have been fulfilled and where an agreement has been executed between Waterfront Toronto and the City to the satisfaction of City Council. Zoning By-law No. 1049-2006, Section (dd) outlines the conditions to be fulfilled prior to the removal of the “h”.

Agency Circulation

The application was circulated to all appropriate agencies, and City divisions, including City Legal which has been involved in the drafting of this report. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

In the zoning by-law, it cites that prior to lifting the holding symbol, an agreement must be executed under the *Planning Act* to ensure specific matters are implemented and these matters relate to: public art contribution, provision of sustainable development measures for LEED Silver Certification, connection to a district energy system, and the provisions of noise, vibration, and emission studies and their implementing and recommended mitigation measures, and the inclusion of warning clauses pertaining to the Redpath Facility.

An agreement has been prepared which includes all the required elements. It is anticipated that this agreement will be executed this fall. Furthermore, George Brown College has been awarded both Federal and Provincial funds to construct a new college on the waterfront. George Brown College has to achieve “Material Completion” by March 2011. They are anticipating site excavation commencing by November 2009. In

order to achieve this, the holding symbol must be lifted to ensure that construction will be able to proceed.

In December 2008, Council authorized a long-term ground lease of Blocks 3, 4 and 5 to the college for its Health Sciences campus. A companion report to this report regarding lease revisions is targeted for the October 5th, 2009 Executive Committee agenda. Both the subject report and the lease revision report are scheduled to appear on the October 30th, 2009 Council agenda. Following Council's consideration, GBC intends to start excavation of Blocks 4 and 5 in November 2009.

Conclusion

Staff recommend the lifting of the "h" symbol since the proposed development is in keeping with the overall intent of the City Council endorsed East Bayfront-West Precinct Plan, 2005, that envisions a mixed-use revitalized precinct including institutional, residential, employment and commercial uses along the waterfront. The Bill should not be enacted until an agreement under the *Planning Act* is executed as required in Zoning By-law No. 1049-2006. Removal of the holding symbol ("h") will facilitate the orderly development of the site.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Plan of Subdivision
Attachment 2: Draft Zoning By-law Amendment

East Bayfront Phase 1: Blocks 3, 4 and 5

Applicant's Submitted Drawing

File # 09 165798



Attachment 2:

Authority: Toronto and East York Community Council Item ~ [or Report No. ~,
Clause No. ~] as adopted by City of Toronto Council on ~, 2009
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

To amend Zoning By-law No. 1049-2006, with respect to the lands forming Part of Lot 22, Registered Plan 694-E on the south side of Queens Quay East, east of Jarvis Street, as shown as Blocks 3, 4 and 5 shown on Draft Plan of Subdivision (Application No.: 07 222755 STE 28 SB).

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 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 in accordance with the *Planning Act*;

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

1. By-law No. 1049-2006 being “A By-law to amend By-law No. 438-86, the General Zoning By-law, as amended, is further amended by as shown on the attached Schedule 1.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule 1: Area where (h) is to be Removed

