

**589 King Street East – Rezoning Application to remove the Holding Symbol (“h”) – Final Report**

<b>Date:</b>	November 24, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	09 189726 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 municipally known as 589 King Street East, Blocks 1, 2 and 25 as identified on the West Don Lands M-plan. These lands are part of the West Don Lands Precinct plan area. This will allow the development of the Toronto Community Housing Corporation’s (TCHC) affordable housing project with commercial uses at grade to proceed.

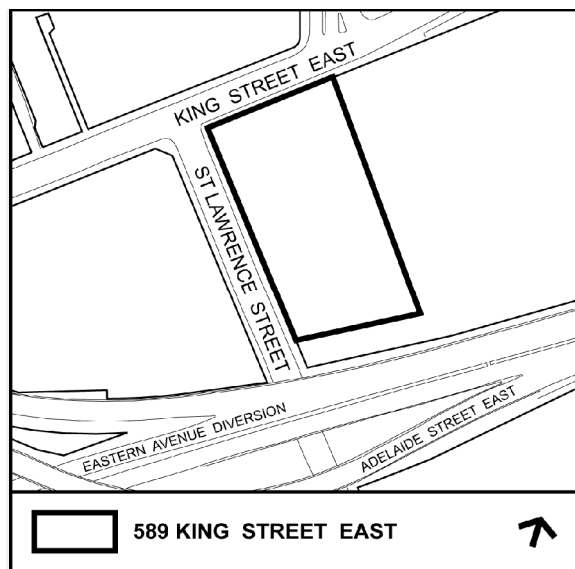
The King Parliament Zoning By-law 1996-0236 contemplates the removal of the holding symbol when specific conditions have been satisfied.

This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law No. 1996-0236 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 municipally known as 589 King Street East being Blocks 1, 2, and 25 on the West Don Lands Phase 1 M-plan;

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; and
3. Prior to the introduction of the necessary Bill for enactment of the Zoning By-law Amendment:
  - (a) The owner be required to register on title the West Don Lands Phase 1 Plan of Subdivision and subdivision agreement; and
  - (b) a Record of Site Condition for the subject lands be completed to the City’s satisfaction.

### **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 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.

In July 2006, City Council considered a report recommending removal for the Phase 1 Plan of Subdivision area for the “h” holding symbol subject to the criteria in the King Parliament Plan being satisfied and following the registration of the Plan of Subdivision Agreement, and acceptance of Risk Assessment/Risk Management Plan. The Plan of Subdivision was before City Council in August 2006.

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 of subdivision and conditions to lift the holding symbol to allow development to proceed.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant proposes to amend the zoning by-law to remove the holding symbol and allow for the redevelopment of lands bounded by King Street East to the north, a new public street to the south, St. Lawrence Street to the west, and the southerly extension of River Street to the east

(Refer to map). The lands are to be transferred to Toronto Community Housing Corporation (TCHC) upon registration of the subdivision.

Specifically, the intent for these blocks is to accommodate an affordable housing development which proposes a 128 unit, 8-storey affordable seniors rental building fronting on King Street East with commercial uses at grade (Block 1), and a 115 units, 4-storey affordable rental building to the south (Block 2) and the provision of an underground parking garage. A publicly accessible, privately owned driveway bisects the two buildings (Block 25).

## **Site and Surrounding Area**

The site is located at 589 King Street East on Blocks 1, 2, and 25 on the West Don Lands Phase 1 M-plan. These lands are part of the West Don Lands Precinct plan area. The site area is approximately 0.7 hectares in size. The subject lands are currently vacant.

The surrounding uses include:

North: King Street East with existing industrial and commercial uses and the Corktown Neighbourhood to the north.

South: A new public street to be constructed (Block 24).

East: Extension of River Street and a proposed residential development adjacent to the east.

West: St. Lawrence Street with existing residential uses.

## **Central Waterfront Secondary Plan**

The Central Waterfront Secondary Plan designates the lands as a *Regeneration Area* which permits a range of uses from commercial, residential, live/work, parks, institutional and light industrial.

## **King Parliament Plan**

The King Parliament Plan identifies the West Don Lands as a *Regeneration Area*. This designation provides for a broad mix of residential, live/work, commercial, industrial, light industrial and institutional, including recreational and open space uses in an urban form in order to revitalize areas that are largely vacant or under-utilized. This plan also identifies the fulfillment of specific criteria such as plans and studies prior to the lifting of the holding symbol, as follows:

“It is, therefore, the policy of Council that the “h” holding 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, Section 51 of the Act (subdivision control) or both Sections 37 and 51;

- (a) a satisfactory streets and blocks plan is prepared demonstrating how the development provides for new streets and blocks in relation to the existing system

of streets, such plan to be secured by an appropriate legal agreement between the City and the owner;

- (b) an Infrastructure Plan dealing with, among other matters, the provision of 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 measures;
- (d) in the case of the *Don River Open Space District* or the *Cherry Street Reinvestment District* an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East, and if desirable, a Plan for the realignment, functioning and implementation of a realigned Bayview Avenue within the *West Don Lands Reinvestment Area*, such a Plan to be secured through an appropriate legal agreement; and
- (e) a Phasing Plan dealing with the sequencing of new development and the timing of the provision of matters set out in a) to d) above.”

## **Zoning**

The site is zoned as “RA(h)”, Reinvestment Area with a “h” holding symbol. The RA(h) zone permits a wide range of uses once the holding symbol has been lifted, such as industrial, light industrial, residential, non-residential commercial, parks and institutional uses. No density limits are established for RA zone. The current height limit is 26 and 30 metres on the subject lands.

## **Site Plan Control**

The lands are subject to site plan control. An application was submitted in April 2009, and circulated to various City divisions and external agencies, where required.

## **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 secured through an agreement or agreements binding on the owner and successors entered into pursuant to Section 37 or Section 51 of the *Planning Act* or both. The King Parliament Plan outlines the specific 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 King Parliament Plan, it cites that prior to the lifting the holding symbol, the provision of plans and studies must be secured through an agreement or agreements binding on the owner and successors entered into pursuant to Section 37 and/or Section 51 of the *Planning Act* or both, to ensure specific matters are implemented, as follows.

A Streets and Blocks Plan is required demonstrating how the development provides for new streets and blocks in relation to the existing system of streets. This plan was council endorsed in 2006 and will be further satisfied by registration of the plan of subdivision.

The requirement of an Infrastructure Plan dealing with the provision of roads, sewer and water services, public parks and community services and facilities will be satisfied through the submission of several reports as part of the registration of the plan of subdivision.

The Ontario Realty Corporation (ORC) is currently constructing the flood protection landform. Also, ORC is working on the Risk Assessment/Risk Management Plan (RA/RMP), also referred to as the Environmental Management Plan, as required by the Ministry of Environment (MOE) for most of the area in the West Don Lands addressing matters of soil remediation and groundwater and the provision of flood protection measures. This report includes lands in both Phases 1 and 2 of the West Don Lands. As part of this process, the MOE has requested ORC to revise the report.

In the case of the Don River Parks and the Cherry Street Reinvestment District, an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East and if desirable, a Plan for the realigned Bayview Avenue, functioning and implementation of a realigned Bayview Avenue within the West Don Lands to be secured through an appropriate legal agreement. This requirement is satisfied through the actual realignment of Bayview Avenue as reflected on the Phase 1 Plan of Subdivision and secured through the registration of the plan of subdivision.

Finally, a Phasing Plan dealing with the sequencing of the new development and the timing of the provision of matters as set out above, has been satisfied through the submission of materials supporting the plan of subdivision.

All of the above required matters are currently being dealt with in the approval of the West Don Lands Phase 1 Plan of Subdivision, approved by Council in July 2006. It is anticipated that the Plan of Subdivision will be registered by year end.

A previously stated, ORC has prepared a RA/RMP and submitted it to MOE for review and acknowledgement. MOE has advised that revisions are required to the RA/RMP. In reviewing the revision requirements it has been determined that the revised RA/RMP submission and MOE acknowledgement would not be available in time for TCHC permits. In order for TCHC to meet the Federal government's funding requirements, TCHC must be under construction by January 13, 2010 and would require foundation permits in the spring. In order to meet TCHC funding requirements, it has been determined that the TCHC lands should be removed from the larger RA/RMP report and be processed as a Record of Site Condition for a single property.

## **Ownership**

TCHC has entered into an Offer to Purchase with the Province and a Development Agreement with Waterfront Toronto. Once the West Don Lands Phase 1 Plan of Subdivision is registered, the subject lands will be transferred to TCHC. It is anticipated that this transfer will take place on January 7, 2010 to ensure that TCHC can commence construction on January 13, 2010 in accordance with their Federal funding deadline. Further, the holding symbol must be removed in order to meet the TCHC construction timeframes.

## **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 West Don Lands Precinct Plan that envisions a mixed-use revitalized precinct including institutional, residential, employment and commercial uses along the waterfront. The Bill should not be enacted until all conditions for the removal of the “h” holding symbol have been satisfied, including a Record of Site Condition being made available, and the registration of the subdivision. Removal of the holding symbol (“h”) will facilitate the orderly development of the site.

## **CONTACT**

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## **SIGNATURE**

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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



## Attachment 2: 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: ~, 20~

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 438-86, as amended, and where it is further amended by 1996-0236, and 588-2006 with respect to the lands municipally known as 589 King Street East, being Blocks 1, 2, and 25 on the West Don Lands M-plan**

WHEREAS authority is given to Council by Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, for the 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 Council is satisfied that the conditions relating to the lifting of the “h” holding symbol have been satisfied in relation to the subject lands as shown within the heavy black lines on Map 1 attached hereto; and

WHEREAS Council of the City of Toronto has provided notice to the persons and public bodies prescribed by the *Planning Act*;

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

1. By-law No. 1996-0326 being “A By-law to amend By-law No. 438-86, the General Zoning By-law, as amended, and By-law No. 588-2006, is further amended by deleting the holding symbol “h” from the lands shown within the heavy black lines on Map 1 attached as Schedule 1 hereto.
2. Map A, District Use map contained in by-law No. 588-2006 is hereby amended by deleting the holding symbol “h” from the designation “(RA)h” with respect to the lands shown within the heavy black lines on Map 1 attached as Schedule 1 hereto.

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

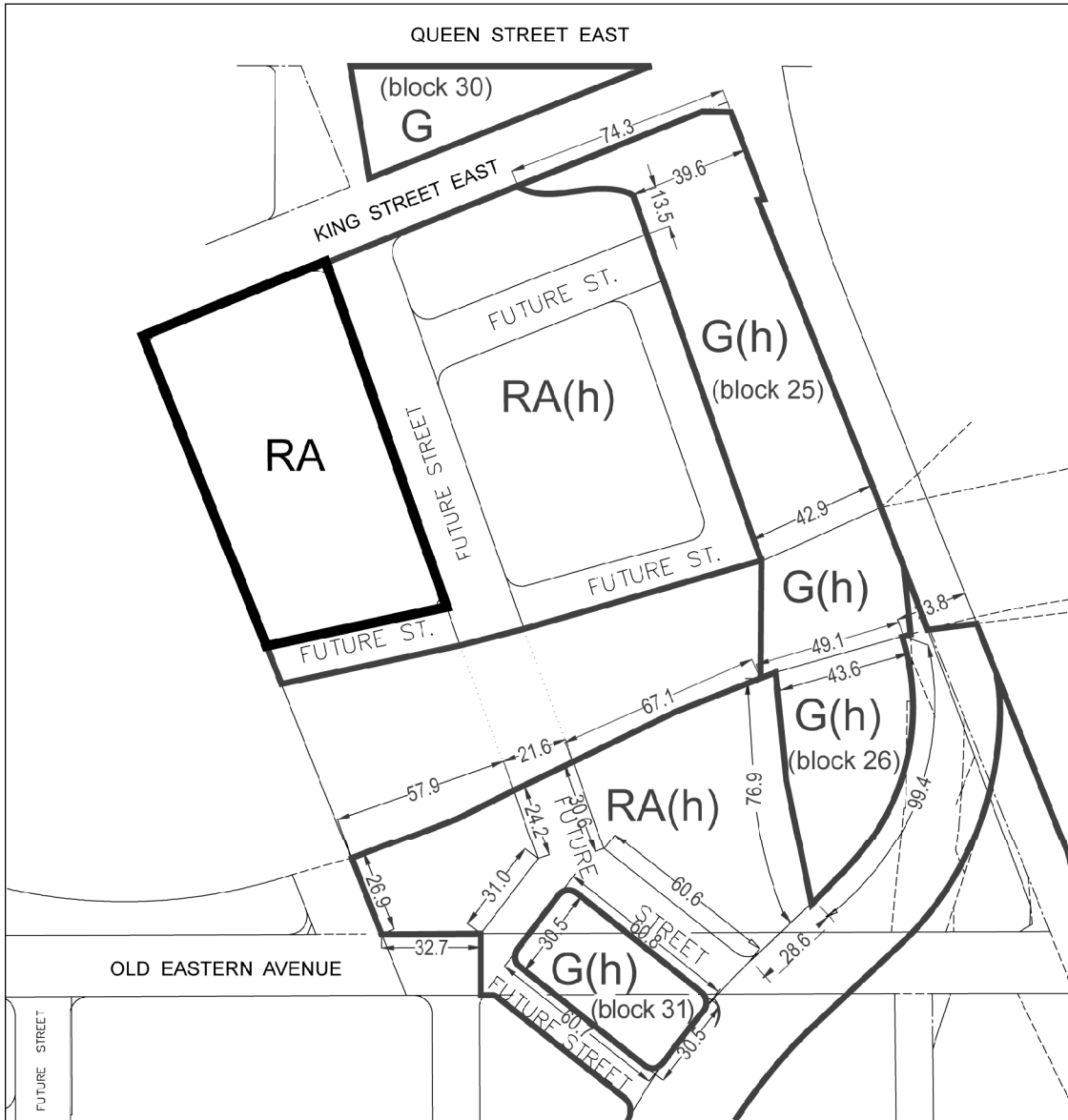
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



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



**TORONTO** City Planning  
**Area where (h) is to be lifted**

**589 King Street East**  
**West Don Lands Phase 1**  
 File # 09\_189726



Not to Scale  
 12/02/2009