SUMMARY

This zoning amendment application proposes to remove the Holding ("h") symbol from the south portion of the property known municipally as 281 Front Street East and 43 A Parliament Street, to permit the development of a five storey data processing centre. The holding symbol is in place to address matters of subdivision servicing, flood protection and soil remediation within an area known as Phase 3 of the West Donlands redevelopment area.

This application relates to the recent initiation of an expropriation on a property across the street at 271 Front Street East and 25 Berkeley Street. The expropriation process was initiated as part of a City Council decision in July 2012 aimed at securing the remaining portion of the site of Canada’s First Parliament buildings under public ownership. This report reviews and recommends approval of the application to amend the Zoning By-law to remove the Holding ("h") symbol for the subject property.
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, by removing the Holding ("h") symbol on a portion of the lands known municipally as 281 Front Street East and 43A Parliament Street.

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
At its meeting of July 11, 12 and 13th, 2012, Toronto City Council granted authority to the Director of Real Estate Services to initiate the expropriation of 271 Front Street East and 25 Berkeley Street ('Bresler Lands'), which form part of the First Parliament site of Upper Canada. Council further granted authority to enter into a Section 30 Agreement pursuant to the *Expropriations Act* with the owner of the Bresler Lands, the terms of which include the exchange of the Bresler Lands for 281 Front Street East and 43A Parliament Street ('City Lands'). As part of the terms of the exchange, the applicant is required to secure the removal of the Holding ("h") symbol on a portion of the City Lands to accommodate a data centre they are proposing to construct. Furthermore, as part of the exchange, the Library distribution Centre will be allowed to remain for a period of 18 months, with the City of Toronto leasing the lands back from the applicant.

ISSUE BACKGROUND

Proposal
The City has initiated an application to amend the former City of Toronto Zoning By-law No. 438-86, as amended, to remove the Holding ("h") symbol for a portion of the subject lands. Removal of the Holding ("h") symbol will allow for the construction of a five-storey data processing centre in accordance with the existing zoning permissions.

Site and Surrounding Area
The site is located at the south east corner of Front Street East and Parliament Street. It is generally a rectangular shaped lot, which accommodates the City of Toronto library processing and distribution centre. This building is expected to remain until such time as new facilities can be secured.

North: On the north side of Front Street East across from the subject property is the newly renovated 51 Division Police Station in an adaptively re-used, designated heritage building from 1899; to the northwest is the relocated Porsche Dealership,
a one-storey building with surface parking to the north bounded by landscaping and decorative fencing; adjacent to this site is a one-storey Staples store, surrounded by surface parking to the north and west;

East: To the east is a Chrysler dealership, Volvo dealership, and a proposed Honda dealership;

South: South of the site is a surface parking lot, owned by the Province and operated by the Toronto Parking Authority; this parking lot is anticipated to become a park as part of Phase 3 of the West Don Lands precinct plan; south of Mill Street is the Distillery District, a nationally recognized mixed-use historic site, comprised of a series of 19th century industrial buildings related to the Gooderham and Worts Distillery and several newly constructed mid and high-rise contemporary residential buildings;

West: West of the site is the location of Canada's first purpose built Parliament Buildings, a property designated under the Ontario Heritage Act for its significant historic and archaeological importance; the site is currently occupied by a car rental operation, car wash facility and ancillary surface parking, as well as the former Porsche dealership that has been repurposed into an interpretive centre for the War of 1812 by the Ontario Heritage Trust.

**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.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The City of Toronto's Official Plan contains a number of policies that affect the proposed development.

**Section 2.2.1 Downtown: The Heart of Toronto**

The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines the policies for development within the Downtown. The downtown is where most of the growth in the City of Toronto is
expected to occur. The Downtown will continue to evolve as the premier employment area of the City of Toronto and provide a range of housing for those working in the area. The City will also explore opportunities to maintain and improve the public realm, promote an environment of creativity and innovation, support and enhance the specialty retail and entertainment districts, support business infrastructure and create business partnerships.

Furthermore, the quality of the Downtown will be improved by developing tools to maintain and upgrade public amenities and infrastructure, enhancing parks and other open spaces and strengthening the social services provided. The City will also actively pursue the preservation of heritage resources, create area specific design guidelines and enhance the Downtown through local improvements.

Section 4.7 Regeneration Areas
The subject property is designated Regeneration Areas, which are defined as areas of the City that are no longer in a productive use and are intended to provide for a broad mix of commercial, residential, light industrial, and parks and open space, among other uses. Development in Regeneration Areas will revitalize areas of the City that are underused, create new jobs and homes and promote the environmental clean-up and re-use of contaminated lands.

The King-Parliament Secondary Plan
The King-Parliament Secondary Plan area is targeted for the growth of commercial, institutional, industrial, light industrial, entertainment, recreational, residential and live/work activities. The King-Parliament area plays a role as a major employment zone within the City of Toronto, and uses that enhance and promote its continued use as an employment area are encouraged. New development within the King-Parliament area is expected to respect the physical character of King-Parliament. The quality, role and character of 'Special Streets' (including Parliament Street) will be maintained and enhanced.

In general, new built form should be located along front property lines in such a way that they define and form edges along streets and parks. New buildings will frame and animate edges along parks, achieve a compatible relationship with their built form context, minimize wind and street impacts and provide comprehensive, high quality streetscape and open space improvements.

Requirements for removal of the Holding ("h") symbol are contained in the King-Parliament Secondary Plan and are identified in a later section of this report.

Zoning
The property is zoned RA ("h"), or regeneration areas with a holding provision. A Data Processing centre is a permitted use and the applicant has sought two minor variances required to construct the building (file: A0554/12TEY). The Committee of Adjustment is scheduled to hear the request for minor variances on August 22, 2012.
Site Plan Control
An application for Site Plan Approval has been submitted to City Planning and is being reviewed by City Staff (12 226498 STE 28 SA).

Reasons for Application
The Holding ("h") symbol needs to be removed to allow the lands to be developed in accordance with the zoning permissions for the site.

COMMENTS
The subject property is located at the south east corner of Front Street East and Parliament Street. It is currently the site of the City's library processing and distribution centre. At its meeting of July 11, 12, 13th, 2012 Toronto City Council granted authority to the Director of Real Estate Services to initiate expropriation proceedings and enter into a Section 30 Agreement for the exchange of the City lands for the Bresler Lands across Parliament Street, known municipally as 271 Front Street East and 25 Berkeley Street. When combined with provincially owned lands at 265 Front Street East, the Bresler Lands are known as the "First Parliament" site.

This application stems from City Council's July 11th, 12th and 13th decision to recommend the initiation of an expropriation process to secure the Bresler Lands under public ownership. The Bresler Lands form the remaining privately held property of the "First Parliament" site, the location of Canada's first purpose built Parliament buildings. During the War of 1812, American forces invaded the Town of York and set fire to these buildings. In retaliation, British, Upper Canadian and First Nations forces set fire to the White House in Washington, making the First Parliament property a site of local, national and international significance.

In 1997, City Council first contemplated action on the First Parliament site. An archaeological investigation was held in late 2000 in which the discovered the remains of the First Parliament buildings, including charred remains from the fire. In 2005, a deal was secured with the City, the Province and the owner of 265 Front Street East to pursue a land exchange, which would be the first step in the process of securing the entire site for civic uses. In August of 2010, City Council passed a motion requesting staff to undertake a study investigating the feasibility of the zoning on the remaining privately owned portion of the site (the Bresler Lands). Council then requested in May, 2012, that the Director of Real Estate Services investigate the possibility of securing the Bresler Lands under public ownership.

The City Lands at 281 Front Street East and 43A Parliament Street comprise the western-most portion (Block 1) within Phase 3 of the West Don Lands precinct. Phases 1 and 2 are under construction and Phase 2 will contain most of the built facilities for the Athlete's Village as part of the 2015 Pan Am and Parapan Games. The subdivision plan and implementing zoning bylaw for Phase 3 (lands west of Cherry Street) has not yet been initiated. The Holding ("h") symbol is in place on the subject property to address matters of subdivision servicing, flood proofing and soil remediation, among others.
The owner of the Bresler lands had submitted a site plan application to the City for an as-of-right data processing centre on his property. As part of the expropriation process, City Council has directed staff to facilitate the relocation of this facility to the City Lands. In order to construct the proposed data processing centre, the applicant requires that the Holding ("h") symbol be lifted from a portion of the site.

The King-Parliament Secondary Plan, in Section 10.11.8, allows the City to remove the Holding ("h") symbol to permit development of an individual site in the Regeneration Area, provided that:

a. the site has been or will be provided with access and municipal services adequate to service the proposed development of the site;

b. the development is consistent with the other provisions of this Plan;

c. subject to the removal of the Holding ("h") Symbol, the proposed development of the site is permitted by the Zoning By-law for the West Don Lands Regeneration Area;

d. the site has been included in an Environmental Report and the safeguards and measures identified in the Environmental Report are satisfactory to the City and the Ministry of the Environment and Energy and have been adequately secured; and

e. the development proposed for the site is of major public significance.

The proposed site will have access off both Parliament Street and Front Street and is adequately accommodated by municipal servicing, as outlined in the Functional Servicing Report, dated August 9, 2012. The built form of the proposed development is consistent with both the Official Plan in general and the King-Parliament Secondary Plan specifically. Aside from the lifting of the H, the use is otherwise permitted in the zoning by-law for the area.

Regarding environmental matters, the applicant has submitted a Phase I Environmental Site Assessment, dated August 15, 2012. This report outlines the contamination of the site and recommends that further investigation, including a Phase II Environmental Site Assessment, be conducted. It also provides information on the preparation of a remedial action plan, soil management plan and risk assessment/management measures. The Buildings Division has advised, however, that no Record of Site Condition would be required for the issuance of a building permit for this data centre project, as it considered a non-residential use. One would be required if and when the remaining portion of the site is developed with residential uses. The Ministry of the Environment is the regulatory authority with respect to issues of soil contamination and remediation. Since the date of adoption of the King-Parliament Secondary Plan in 1996, the Environmental regime has changed; where no change to a more sensitive use is being proposed, there are no remedial measures or safeguards required by the Ministry of the Environment.
Another one of the original intents of the implementation of the Holding symbol was to address flood protection measures within the Don River floodplain. The Toronto and Region Conservation Authority advised on August 14, 2012 that the Flood Protection Landform within the Don River Park will be completed by November 2012 and as a result, have no objection to the removal of the Holding symbol.

Finally, the proposed development will allow the City of Toronto to secure the First Parliament Site, a site of major public significance. Therefore, the requirements for lifting the Holding ("h") symbol, identified above, have been satisfied.

**Conclusion**

City of Toronto Planning Staff have initiated this application to remove the Holding ("h") symbol from a portion of the lands known municipally as 281 Front Street East and 43A Parliament Street. In accordance with Council direction and the public benefit of securing the First Parliament Site, and in conformity with the King Parliament Secondary Plan, it is appropriate to lift the Holding ("h") symbol at this time, as it represents good planning and is in the public interest.

**CONTACT**

<table>
<thead>
<tr>
<th>Giulio Cescato</th>
<th>Willie Macrae</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planner, Downtown Section</td>
<td>Planner, Downtown Section</td>
</tr>
<tr>
<td>Tel: (416) 392-0459</td>
<td>Tel: (416) 392-7572</td>
</tr>
<tr>
<td>Fax: (416) 392-1330</td>
<td>Fax: (416) 392-1330</td>
</tr>
<tr>
<td>Email: <a href="mailto:gcescat@toronto.ca">gcescat@toronto.ca</a></td>
<td>Email: <a href="mailto:wmacrae@toronto.ca">wmacrae@toronto.ca</a></td>
</tr>
</tbody>
</table>

**SIGNATURE**

__________________________
Raymond David, MCIP, RPP
Director, Community Planning
Toronto and East York District

**ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment
Attachment 1: Draft Zoning By-law

Authority: Toronto and East York Community Council [item],
as adopted by City of Toronto Council on xx 2012

Enacted by Council:

CITY OF TORONTO
BY-LAW No. -2012

To amend Zoning By-law No. 438-86, as amended, with respect to part of the lands known municipally as 281 Front Street East and 43A Parliament Street.

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; and

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. District Map 51G-323 contained in Appendix “A” of By-Law No. 438-86, as amended, being a By-Law “To regulate the use of lands and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures within the City of Toronto” is further amended by deleting the holding symbol “h” from the designation “(RA)h” from the lands shown within the heavy lines as shown on Map 1 attached hereto.

ENACTED AND PASSED this xx day of [insert month], 2012.

FRANCES NUNZIATA, ULLI S. WATKISS
Speaker City Clerk

(Corporate Seal)
City of Toronto By-law No. ~20~

MAP '1'

[Diagram showing the area where (h) is to be lifted]

281 Front Street East and 43A Parliament Street
File # 12 219518 TM

Not to Scale
08/03/2012

Staff report for action – Final Report – 281 Front Street East and 43A Parliament Street