



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

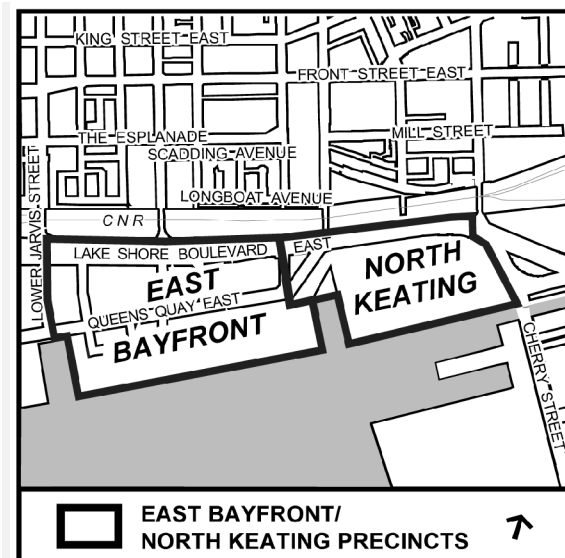
**Central Waterfront Secondary Plan – Request for
Directions Report**

Date:	February 5, 2014
To:	Toronto and East York Community Council
From:	City Solicitor and Director, Community Planning, Toronto and East York District
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.
Wards:	Ward 28 – South District
Reference Number:	File No. 13-254013 SPS 00 TM

SUMMARY

The City of Toronto passed the Central Waterfront Secondary Plan (CWSP) in April 2003 and subsequently zoning by-laws for East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010).

Owners of six of the private development sites in the two precincts have filed appeals to the Central Waterfront Secondary Plan and the area specific By-laws. After several years of discussions and several pre-hearing conferences, the Ontario Municipal Board has set aside six weeks for hearings on these appeals starting on May 12, 2014 with additional time scheduled from mid October 2014. City and Waterfront Toronto representatives continue ongoing negotiations with the appellants in an effort to find mutually acceptable solutions for both the appellants and the City.



This report outlines the nature of the first round of discussions and seeks City Council authority to continue negotiations of the appeals based on the conclusions and recommendations set out in the Confidential Attachment.

This negotiation process has been an exceptionally labour intensive exercise, but has resulted in some potential conclusions to the process. This report outlines the overall issues and requests in a confidential attachment direction from Council to continue discussions regarding the appeals to the Ontario Municipal Board. These discussions commenced in September 2013 and were reported on in an “Information Report” in November 2013.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.41> This current report addresses the first round of discussions that have concluded; other discussions continue with the remaining appellants. Staff intends to report on those additional discussions in June of 2014.

RECOMMENDATIONS

The Director, Community Planning and the City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 2 of the report (February 5, 2014) from the City Solicitor and Director, Community Planning, Toronto and East York District with respect to the Central Waterfront Secondary Plan, and, if adopted, the Recommendations in Attachment 2 and Map 2 be released if settlement is achieved with the balance of Attachment 2 to remain confidential.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

Since the adoption the Central Waterfront Secondary Plan in April 2003 and the implementing Zoning By-laws for the East Bayfront and North Keating Precincts in 2006 and 2010 respectively, approximately 20 owners filed appeals to the Ontario Municipal Board. Within the 2 precincts, there are 6 private land owner/developer appellants, as well as community members who are parties or appellants to the hearing. Each land owner/developer appellant has raised a variety of concerns respecting their development options, as well as the requirement to provide Affordable Rental Housing and other matters. Issues being addressed in the OMB hearings include building height, massing and tower location, park or open space dedication, provision of Affordable Rental Housing and how to accommodate sensitive land uses in close proximity to the Redpath facility.

Currently, OMB hearings on these appeals are scheduled to begin in the middle of May 2014 and to run for 6 weeks with additional hearing time set aside for mid-October running to the end of 2014. In an attempt to resolve issues, both City and Waterfront

Toronto staff have initiated a series of meetings with the appellants to find reasonable grounds for settlement or scoping of the hearings.

ISSUE BACKGROUND

City and Waterfront Toronto staff representatives have been working to find resolution to the appeals lodged after the adoption of the CWSP in April 2003 and the implementing zoning by-laws for the East Bayfront and North Keating Precincts in 2006 and 2010 respectively. The first segment of the scheduled hearings focused on the East Bayfront precinct is now scheduled to commence in mid-May 2014. The land owners have raised a variety of concerns respecting their particular development proposals, including building height, massing and tower location, as well as the standards for the provision of Affordable Rental Housing and matters related to the location of sensitive land uses in proximity to the Redpath Sugar refinery. For greater clarity in the location of the appellants sites please see Map 1 (attached).

Site and Surrounding Area

The East Bayfront and North Keating Precincts stretch east from the foot of Jarvis Street to Cherry Street and generally between the water's edge north to Lake Shore Boulevard East. Approximately half of these lands are privately owned with the balance being under the control of the City or Waterfront Toronto. Waterfront Toronto has made significant infrastructure improvements in these precincts, including the construction of Sugar Beach and Sherbourne Common and major new development has already taken place on some of these lands including the construction of the Corus Entertainment Building and George Brown College. Further infrastructure improvements will be required to allow for the significant levels of development currently proposed on both the private and publicly owned lands. It is anticipated that some of these costs will be borne directly by the land owners within these precincts.

Official Plan

The Central Waterfront Secondary Plan (adopted in April of 2003) recognized the value of infrastructure improvements that were being provided in the Central Waterfront by the various governments and defined a set of four core principles, being: (A) Removing Barriers/Making Connections, (B) Building a Network of Spectacular Waterfront Parks and Public Spaces, (C) Promoting a Clean and Green Environment, and (D) Creating Dynamic and Diverse New Communities. These broad principles are further addressed in the Precinct Plans, and the Zoning By-laws for these areas reflect the development envisioned by the Precinct Plans. The CWSP particularly addressed the goal of providing 25% of the residential development within the Waterfront as Affordable Rental housing and Low-End of Market housing.

Zoning By-laws

The development opportunities defined by the East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010) by-laws currently offer significant development benefits to the landowners by permitting opportunities for mixed-use buildings complemented by generous public and private open space, public access to the water's edge and a redeveloped Queens Quay Boulevard with generous sidewalks, cycling routes and public transit. The original zoning for these lands allowed only for industrial and limited retail uses. Through a proactive planning process and rezonings, significant residential permissions have been created, which will provide considerable land value benefit to the private land owners in this area.

In both the East Bayfront and North Keating Precincts, the Zoning By-laws were structured to define building envelopes appropriate to implement the form of development envisioned by the Precinct Plans. In East Bayfront, no absolute density limits were defined, but density can be determined from the built form definition of setbacks, tower locations and height limits. Within the North Keating Precinct, while a similar built form regime is provided, specific density figures are also defined.

The Zoning By-laws for both precincts further defined a series of steps required to lift the holding symbol (the "h") as well as requirements related to the provision of Affordable Rental Housing pursuant to Section 37 of the Planning Act. The by-laws implement the affordable housing policies of the Central Waterfront Secondary Plan by requiring that all land, both publicly and privately owned, will contribute towards the provision of affordable housing. The key goal is that 20% of all the residential units will be affordable rental housing, to be achieved through 3 delivery options: direct provision and operation of the 20% of the units to be affordable rental units (the "bricks and mortar option"), or land sufficient to construct 20% of the units, or cash-in-lieu of the land.

Achieving these affordable housing goals is essential if the new neighbourhoods on the Waterfront are to be healthy, complete communities, with a mix of housing tenures, affordability and housing types. In addition, another 5% of the residential units are to be low-end-of-market units in the ownership category, deemed to be affordable by virtue of their modest size.

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. It also requires the provision of a range of housing types and densities to meet the needs of current and future residents, and the establishment of targets for the provision of housing affordable to low and moderate-income households, 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. It requires that municipalities have Official Plan policies and strategies to achieve a range and mix of housing, taking into account affordable housing needs.

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. The resolution of these appeals would not compromise compliance with the PPS or Provincial Plans.

COMMENTS

This report seeks Council's direction with respect to appeals on the Kintork/Nuko (Daniels) and 162 Queens Quay East sites as related to such matters as built form and provision of the Affordable Rental Housing. Attachment 2 sets out in more detail the matters related to these two appeals. The resolution of these matters is important to achieving conclusion to the appeals.

In respect to matters related to the resolution of the Redpath matters, the City has agreed to assist the parties in finding ways to ensure that residential and any other "sensitive land uses" within this area follow a process to address the resolution of environmental matters.

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SIGNATURE

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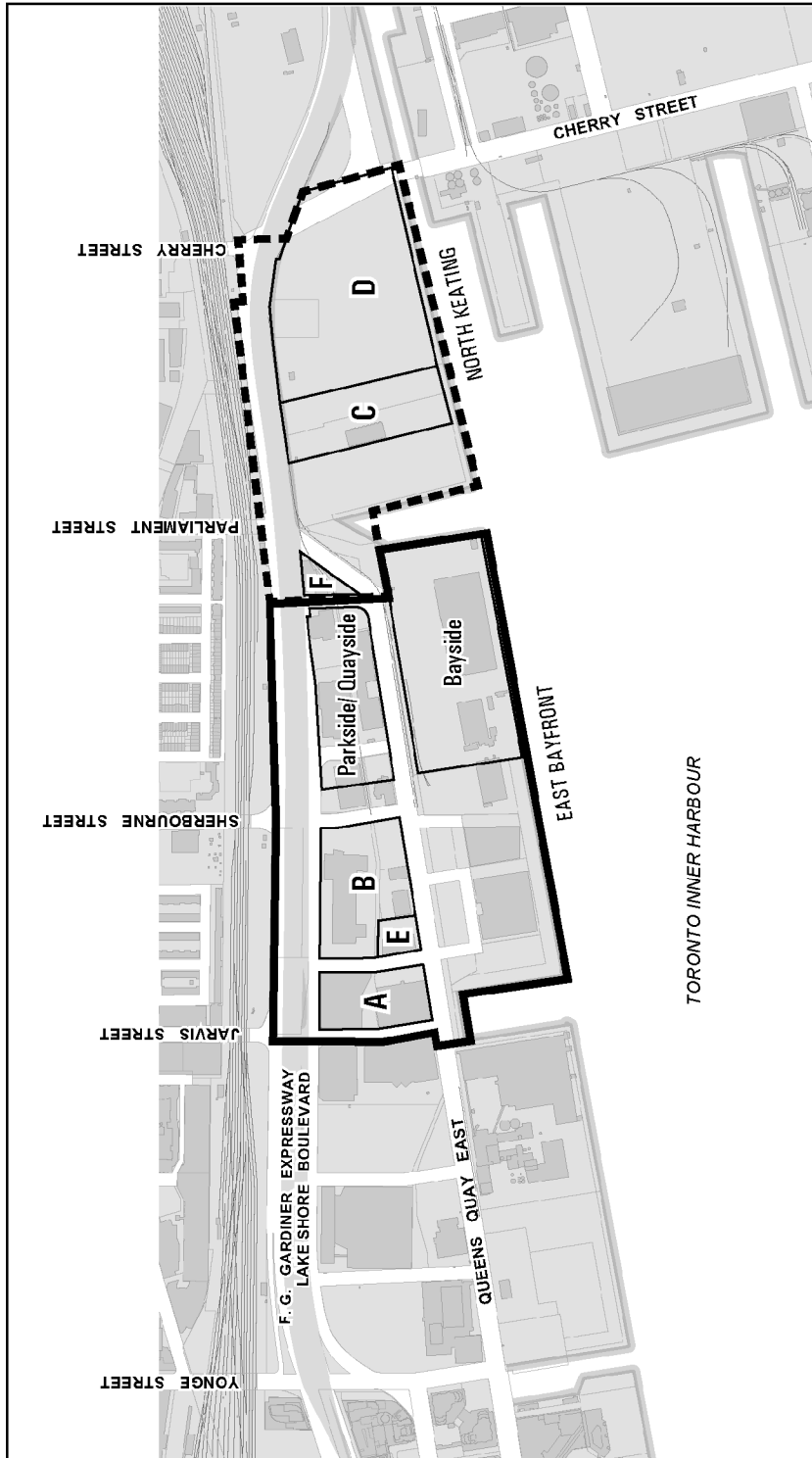
Anna Kinastowski
City Solicitor

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ATTACHMENTS

Attachment 1: Map 1 Central Waterfront OMB Appealed Sites
Attachment 2: Confidential Information

Map 1 - Central Waterfront OMB Appealed Sites



Map 1 - Central Waterfront OMB Appealed Sites



- A** Kintork / Nuko (Daniels)
- B** Fedex 1147390 and 161774 Ontario Limited
- C** Silo / Castan Marland III

- D** 3C Lakeshore Inc.
- E** 162 Queens Quay Inc.
- F** Hauptert (Lake Shore Boulevard East)

East Bayfront and North Keating Precincts

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