

STAFF REPORT ACTION REQUIRED

1, 5, 9 & 21 Don Valley Parkway; 6, 30 & 50 Booth Avenue; 0, 385, 405, 415, 433 & 447 Eastern Avenue -Official Plan Amendment Application - Preliminary Report

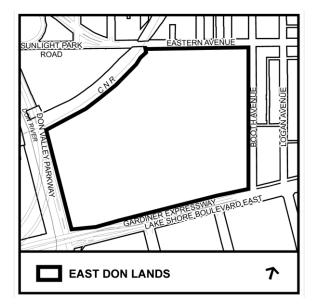
Date:	January 27, 2016		
To:	Planning and Growth Management Committee		
From:	Chief Planner and Executive Director, City Planning Division		
Wards:	Ward 30 – Toronto-Danforth		
Reference Number:	P:\2016\ClusterB\PLN\PGMC\PG16027		

SUMMARY

The purpose of this Official Plan Amendment (OPA) application is to develop a comprehensive framework of Official Plan policies in keeping with the recently adopted

Employment Lands policies. This will initiate comprehensive planning of 21 Don Valley Parkway (former Unilever site) and adjacent lands, hereinafter described in this report as the "East Don Lands."

The proposed application includes an OPA with a policy framework to allow for development of a broad variety of non-residential land uses providing employment opportunities for approximately 50,000 workers. The applicant, First Gulf, has a vision for the East Don Lands which includes policies to broaden the current permission for traditional employment uses of manufacturing and warehousing to plan for a vibrant and active office district supported by retail and services in a



compact urban form. At full build out the proposal is envisioned to include approximately 1.1 million square metres of employment uses.

The proposal presents a unique City building opportunity with significant employment growth. There are also challenges to the development of this site including achieving flood protection; introduction of a new and integrated streets and blocks plan; and bringing high capacity transit in close proximity to the site.

At this time, the proposed OPA is a policy initiative, not a development proposal. The applicant has provided no plans, conceptual or otherwise, for actual development; however, the submitted application materials allow for the discussions and consultations to formally begin and be closely coordinated with infrastructure initiatives in the area.

This report provides preliminary information on the above-noted application and seeks direction from the Planning and Growth Management Committee on further processing of the application and on the community consultation process.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to prepare a community consultation work plan and schedule the community consultations for the employment district at the East Don Lands in consultation with the Ward Councillor.
- 2. Notice for the community consultation meeting be determined in consultation with the Ward Councillor.
- 3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In January 2012, City Council requested the Chief Planner and Executive Director, City Planning Division, to consider a planning framework for the South of Eastern Employment District and report thereon to Planning and Growth Management Committee.

In November 2012, City Council considered a report on draft Official Plan policies and designations for employment, prepared as part of the five-year Official Plan and Municipal Comprehensive Reviews (MCR). The MCR was completed, resulting in Official Plan Amendment No. 231 which was adopted by Council in December 2013. OPA 231 designates the site at 21 Don Valley Parkway *General Employment* and includes Site and Area Specific Policy No. 426 for 21 Don Valley Parkway and 30 Booth Avenue.

On July 9, 2014 the Ministry of Municipal Affairs and Housing (MMAH) approved, with some modifications, the majority of OPA No. 231; however, it has been appealed by a number of parties to the Ontario Municipal Board and is not yet in full effect. Although the MMAH approved the site's underlying *General Employment Area* designation, it should be noted that the Minister's decision was withheld for any site specific policies and employment land conversion designation changes applying to lands located within the flood plain of the Lower Don Special Policy Area (SPA), of which this site is a part. At the request of the Province, City Planning staff submitted additional supportive land use material for the outstanding Site and Area Specific policies within the Lower Don SPA. This material remains under review by the MMAH and the Ministry of Natural Resources. Notwithstanding its unapproved and appealed status, the OPA represents the current policy direction of City Council for the East Don Lands.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements. The applicant advised the City, at that time, that several of the application requirements could not yet be completed; in particular, the transportation related studies which are relying on the outcome of the Gardiner Expressway and Lake Shore Boulevard East Reconfiguration EA (Gardiner East EA) to be completed. Despite the incomplete nature of the OPA application, City staff were supportive of the submission as there are many significant city building infrastructure projects underway and having some information on the proposed application would better help in the City's evaluation and consideration of potential impacts on infrastructure.

The applicant has held meetings with the community in advance of the application. They have held 4 community workshops held at the Ralph Thornton Community Centre. In addition they have convened a community stakeholder committee and held 4 workshops with the smaller group. Meeting notes can be found at: http://project21.firstgulf.com/

ISSUE BACKGROUND

Proposal

The purpose of this Official Plan Amendment (OPA) application is to initiate a comprehensive policy planning framework for the East Don Lands. The proposed application includes an OPA with a policy framework to allow for development of a broad variety of non-residential land uses providing employment opportunities for approximately 50,000 workers and 1.1 million square metres (12 million square feet) of office (10 million square feet), retail and service uses (2 million square feet). The vision for the East Don Lands is to broaden the current permission for traditional employment uses of manufacturing and warehousing to plan for a vibrant and active office district supported by retail and services in a compact urban form.

At this time, the proposed OPA is a policy initiative, not a development proposal. The applicant has provided no plans, conceptual or otherwise, for the actual development.

The draft OPA submitted by the applicant proposes polices related to land use, transportation, heights and density, built form, public realm, sustainability, flood protection, phasing and implementation.

Site and Surrounding Area

The site is located at the western end of the South of Eastern employment area. The East Don Lands is bounded by the Don River and the Don Valley Parkway on the west, Eastern Avenue and the Metrolinx rail corridor to the north, Booth Avenue to the east, and Lake Shore Boulevard to the south. The total area is approximately 25 hectares. First Gulf owns the largest parcel of land and the City of Toronto is the second largest landowner. See Attachment 1 – Ownership Map.

South of Eastern has historically served Toronto as the location of heavy industry and manufacturing employment and many residents of the nearby neighbourhoods found employment in the area. Nearly all of the heavy industries have closed, with the Unilever manufacturing plan being the last one to close in 2008.

Today, except for a small cluster of low-scale detached/semi-detached and row houses, South of Eastern is the location of a number of publicly-owned employment uses including City and school board maintenance yards, Canada Post and utility infrastructure (Enbridge Gas). The film, media and entertainment sectors are also prominent in the area with CineSpace Studios, Revival 629 and FilmPort Studios with numbers post-production and recording studios. Similar land uses are found within the East Don Lands precinct as it is home to the City of Toronto Booth Avenue Works Yard, Enbridge Gas, and the CineSpace Film Studios. Table 1 below provides a description of the site within the East Don Lands.

Surrounding land uses are as follows:

North: Metrolinx Rail corridor, automobile dealerships and small scale commercial uses

South: The Gardiner Expressway ramps and Lake Shore Boulevard. South of Lake Shore Boulevard is the Port Lands.

East: Lands to the east of Booth Avenue consist of a variety of low-rise industrial and office buildings as well as some low-rise residential.

West: To the west are the Don Valley Parkway and the Don River.

Table 1: East Don Lands Property Detail List

Property Address	Area (hectares)	Property Owner	Current Use
1, 5 & 9 Don Valley Parkway, 6 Booth Ave.	2.49	Toronto Port Lands Company /City of Toronto Economic Development Corp.	Rail spur lines to service Ashbridges Bay Wastewater Treatment Plant, and other facilities in the Port Lands.
21 Don Valley Parkway	11.68	First Gulf	Former Unilever manufacturing plant. Currently used for outdoor auto storage and warehousing.
30 Booth Ave.	2.17	1079744 Ontario Ltd.	CineSpace Film Studios
433*, 447* Eastern Ave. & 50 Booth Ave.	5.59	City of Toronto	Booth Works Yard
415 Eastern Ave.*	0.14	2178472 Ontario Inc.	Avenue Road –Home Furnishing Showroom
405 Eastern Ave.	1.57	The Consumers' Gas Company	Enbridge Station B Distribution Facility - Site Plan Application submitted for one-storey addition (File No: 13 279279STE 30 SA)
385 Eastern Ave.	0.40	1712310 Ontario Ltd.	Vacant – Site Plan Application submitted for 2-storey auto repair
385 Eastern Ave.	0.16	1445990 Ontario Ltd	garage (File No: 15 108588 STE 30 SA)
385 Eastern Ave.	0.58	Eastern Self Storage Ltd	Vacant
0 Eastern Ave.	0.19	1553482 Ontario Ltd	Vacant – Telecommunication Tower

^{*}Buildings are listed on the City's Inventory of Heritage Properties

Planning Act

Section 2 of the *Planning Act* addresses matters of Provincial Interest and requires municipal Councils to have regard to matters such as:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the province and its municipalities;
- (m) the coordination of planning activities of public bodies;
- (o) the protection of health and safety;
- (p) the appropriate location of growth and development; and
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

Provincial Policy Statement

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character are important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

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 to conform, or not conflict with, the Growth Plan.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a. providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- c. planning for, protecting and preserving *employment areas* for current and future uses; and
- d. ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

Official Plan

The site is within an *Employment District* identified on the Urban Structure Map (Map 2) of the Official Plan. *Employment Districts* are large districts comprised exclusively of lands where the Employment Areas land use designation applies. *Employment Districts* can accommodate substantial growth in jobs and meet the needs of key economic clusters. *Employment Districts* are protected and promoted exclusively for economic activity.

The Official Plan's land use designation for the subject site is *Employment Areas*. See Attachment 2. Section 4.6 of the Official Plan describes *Employment Areas* as "hothouses where we grow our enterprises and jobs". It goes on to state that business increasingly requires flexibility in order to compete effectively in the global economy. This need for flexibility extends to a firm's lands and building, and to what is available to support that business activity in the immediate area. A broad and inclusive approach to employment uses in *Employment Areas* is needed for the City's economic future. Uses that support the prime economic function of *Employment Areas*, such as parks; small scale retail stores and services to meet the daily needs of business and employees; workplace daycare; and restaurants must also be readily accessible within *Employment Areas*. Uses that detract from the economic function of these lands will not be permitted to locate in *Employment Areas*.

The entire site lies within the Lower Don River flood plain and the Special Policy Area identified on Map 10 of the Official Plan. Official Plan policies relating to the Special Policy Area have not yet been approved by the Ontario Municipal Board; therefore, the policies of the 1994 (former) City of Toronto Official Plan remain in full force and effect with respect to the Special Policy Areas. Section 2.68 of the Official Plan for the former City of Toronto, states that development may be permitted in the Lower Don Special Policy Area on condition that the development is flood protected to at least the 1:350 year level, in which case no building or structure will be subject to a risk of flooding in excess of 25 percent over an assumed life of 100 years.

Among other relevant policies in evaluating the proposal are those found within the following sections of the Official Plan: Toronto's Green Space System; Public Realm; Built Environment; Heritage Resources; Parks and Open Space; and Transportation.

Five-Year Official Plan Review and Municipal Comprehensive Review

As noted earlier in this report, City Planning has completed the five-year Official Plan Review and the Municipal Comprehensive Review (MCR) of employment lands required under Provincial statute. OPA 231 designates the 21 Don Valley Parkway as *General*

Employment (See Attachment 3). Site and Area Specific Policy No. 426 applies to 21 Don Valley Parkway and 30 Booth Avenue. There are also policies in Site and Area Specific Policy No. 426 to ensure that a comprehensively planned employment precinct includes consideration of the relationship and connections to nearby properties including 1, 5, 9 and 21 Don Roadway, 6, 30 Booth Avenue, and 385, 405, 415, and 433 Eastern Avenue. In addition to the *General Employment Area* policies of the Official Plan, SASP No. 426 includes additional policies regarding considerations for redevelopment of the precinct, phasing provisions and safety considerations of the Enbridge distribution facility and the City of Toronto works yard, in addition to ensuring that adequate flood mitigation measures have been planned and that development is compatible to the planned naturalization of the Don River. A copy of SASP No. 426 can be found in Attachment 4.

Zoning

The north and eastern portions of the site are zoned E 5.0 (x314) and UT under the Citywide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board (OMB). The E (Employment) zone permits a range of employment uses while the UT (Utility and Transportation) zone permits utility and transportation uses. These same properties are zoned I2 D5 and Tr under Zoning By-law 438-86 permitting similar uses.

The western portion of the East Don Lands (21 Don Roadway and some parcels adjacent to the rail corridor to the north of the site) are not subject to Zoning By-law 569-2013. They are zoned I3 D5. See Attachment 5.

South of Eastern Strategic Direction

In January 2012, Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning Division, to consider developing a planning framework for the South of Eastern Employment District. In response to this request staff from the City Planning Division and Economic Development and Culture Division are undertaking background studies for a three-pronged planning framework. The South of Eastern Strategic Direction will address the area's economic potential and the resulting transportation, servicing needs, and urban design implications. The planning studies are being coordinated with planning work underway as part of the Port Lands Acceleration Initiative, particularly with respect to the Port Lands and South of Eastern Transportation and Servicing Master Plan (TSMP).

Community consultation regarding the South of Eastern Strategic Direction is ongoing and is linked to the TSMP. Staff will consider the proposal in the context of the emerging findings of the South of Eastern Strategic Direction's background study and the TSMP.

A status update report of the South of Eastern Strategic Direction, dated July 10, 2014 was prepared for Toronto and East York Community Council and can be found here: http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-71928.pdf

Implementation Tools

Redevelopment of the site will require Site Plan Approval; however, no application has yet been submitted as it is premature. Also, as per OPA 231 SASP No.426, the redevelopment of East Don Lands would require a rezoning application as the "comprehensive plan for a new employment precinct ... will only be implemented by way of an implementing zoning by-law". It is also possible that a plan of subdivision or some other land division process would be require.

Reasons for the Application

The scope of the proposal and the level of intensification of employment uses is greater than had been previously been contemplated by the in-force Official Plan and therefore a comprehensive approach to the review of the policies is required. Achieving the full development potential of these lands will require investment in flood protection, transportation, and transit infrastructure which many need to be reflected in the Official Plan. In addition, approved but not yet in-force OPA 231 SASP No.426 for 21 Don Valley Parkway and 30 Booth Avenue requires a comprehensive plan that includes consideration of the relationship and connections to nearby properties which encompass all the properties of the East Don Lands, among other important considerations.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale, October 5, 2015, prepared by MHBC Planning Ltd.
- Office Market Demand Analysis, October 5, 2015 prepared by urbanMetrics Inc.
- Heritage Review, October 5, 2015, prepared by ERA Architects Inc.
- Legal Survey, March 20, 2000, prepared by Speight, Van Nostrand & Gibson Ltd.
- Topographical Survey, August 18, 2011 prepared by Speight, Van Nostrand & Gibson Ltd.

A Notification of Incomplete Application issued on November 12, 2015 identifies the outstanding material required for a complete application submission as follows:

- Computer Generated Building Mass Model
- Development concept, including a streets and blocks study
- Community Services and Facilities Study
- Urban Design Guidelines
- Transportation Impact Study
- Transportation Demand Management Report
- Servicing Plan

- Tree Inventory Plan & Arborist Report
- Geotechnical Study / Hydrogeological Review
- Noise and Vibration Study

The applicant has indicated a development proposal will be brought forward to complete the application. Staff anticipate that full development will move forward through the implementation of a comprehensive planning exercise, similar to a precinct plan process and a rezoning application.

Issues to be Resolved

The Official Plan amendment application and draft OPA polices submitted by the applicant will be reviewed with respect to the appropriateness of proposed land use; transit, transportation and required flood protection infrastructure; heights and density; built form and heritage; public realm; sustainability; and phasing and implementation.

The proposal presents a unique City building opportunity with significant employment growth. The potential being presented by First Gulf is in a different form of development that had been previously anticipated but also one of greater intensity. The early focus of Staff's review will be identifying how to unlock the development potential for this employment district and understanding the broader City implications on urban structure and on the City's existing economic clusters.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Community Consultation Process

As the proposed OPA is a policy initiative, and the applicant at this point has not provided any development plans, community consultation will be similar in nature to that of an area study.

The first phase of the consultation will involve meeting with the land owners and businesses within the East Don Lands area and in the immediate vicinity, to understand their current operations and any further plans in the short and long-term.

To begin the City-led consultation with the residents of the local neighbourhood and outreach to the larger Riverside and South of Eastern businesses and residents, an initial open house and/or workshop will be held to begin to outline the vision for the employment district and review in-force policies regarding built form, urban design and public realm to ensure they help to implement the vision and brainstorm to establish any new policy requirements.

A working group will also be convened by City Planning in consultation with the local Ward Councillor. Considering whether members of First Gulf's community stakeholder committee will be included in the working group or if the two groups will remain independent is still to be determined.

CONTACT

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SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP Chief Planner and Executive Director City Planning Division

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ATTACHMENTS

Attachment 1: East Don Lands Ownership Map

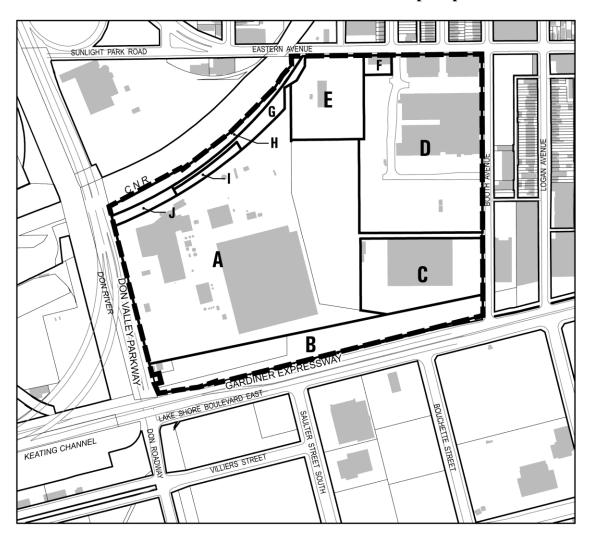
Attachment 2: Official Plan

Attachment 3: OPA 231 Employment Areas (not yet in-force)

Attachment 4: OPA 231 Site and Area Specific Policy No. 426 (not yet in-force)

Attachment 5: Zoning

Attachment 1: East Don Lands Ownership Map



- The East Don Lands
- A First Gulf Don Valley Limited Lands
- **B** The City of Toronto Economic Development Corporation
- C 1079744 Ontario Ltd.

- **D** The Corporation of the City of Toronto
- E The Consumers Gas Company
- 2178472 Ontario Inc.
- G 1712310 Ontario Inc.
- H Eastern Self Storgae
- 1445990 Ontario Ltd.
- 1553482 Ontario Inc.

Ownership Map

21 Don Valley Parkway

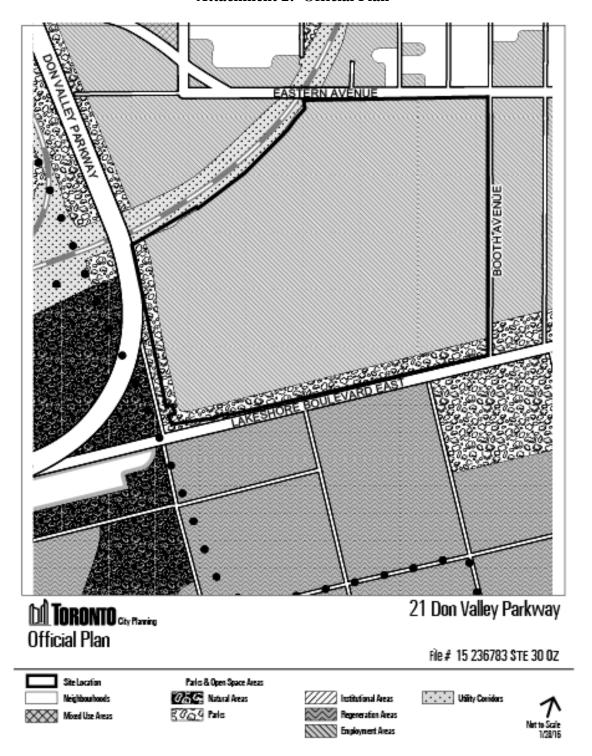
Applicant's Submitted Drawing

Not to Scale 1/26/16



File # 15 236783 STE 30 OZ

Attachment 2: Official Plan



Attachment 3: OPA 231- Employment Areas (not yet in-force)





Redesignate from 'Employment Areas' to Official Plan Designations Shown on Maps 1 to 48 inclusive Extract of Map 44,45

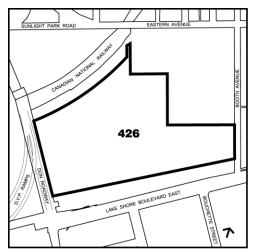


Attachment 4: OPA 231 Site and Area Specific Policy No. 426

Chapter 7, Site and Area Policies, is amended by adding Site and Area Specific Policy No. 426 for the lands known municipally in 2012 as 21 Don Roadway, as follows:

'426. 21 Don Roadway and 30 Booth Avenue

a. A comprehensively planned employment precinct that is fully integrated and connected to the surrounding area and that encompasses a broad variety of non-residential land uses should be created on the subject lands. A mixture of non-residential uses are permitted, with a majority of the development consisting of offices, post-secondary colleges/universities/trade schools,



hotels, studios, and research facilities. Uses which will support the viability of the precinct's employment uses noted above, such as recreation, entertainment, retail, and service commercial are permitted. These uses will provide amenities for the precinct's current and future employees, and will create a vibrant and animated urban district.

- b. Proposals which include major retail of 6,000 square metres or more of retail gross floor area will be permitted when such uses are planned to be physically connected and/or functionally integrated with structures and/or open spaces associated with the precinct's employment uses. Proposals for major retail development will be subject to the development criteria set out in subsections a) to e), g) and h) of Policy 4.6.5. At grade parking associated with major retail development will only be used as an interim measure and will not be located between the retail uses and the public sidewalk and will be located at the flank or rear of the building.
- c. A comprehensive plan for a new employment precinct that includes consideration of the relationship and connections to nearby properties including 1, 5, 9 and 21 Don Roadway, 6, 30 Booth Avenue, and 385, 405, 415, and 433 Eastern Avenue will only be implemented by way of an implementing zoning by-law. In addition to the *General Employment Area* policies of the Official Plan, the following policies apply:
 - i. the comprehensive plan for the redevelopment of the precinct will address land use, built form, land division, interim development conditions, public realm connections and appropriate transition in

built form to low-scale residential uses north of Eastern Avenue. The comprehensive plan will include a transportation and servicing infrastructure plan that identifies new infrastructure and improvements to existing infrastructure and also identifies transportation demands and impacts and any necessary mitigation measures.

- ii. the City will secure phasing of development and infrastructure improvements to ensure orderly development and to ensure that development of the precinct's employment uses accompanies development of the other permitted uses. At full build-out of the employment precinct, no more than 20 per cent of the total gross floor area is to be devoted to retail, major retail, service commercial, recreation and entertainment uses.
- iii. proposed development for the precinct will include a mix of non-residential land uses which are consistent with the objectives of the Official Plan's policies for *Employment Areas* and the City of Toronto's Economic Development Strategy.
- prior to the enactment of any zoning by-law amendment a study will iv. be submitted by the applicant to the satisfaction of the City of Toronto in consultation with the Ministry of the Environment, that evaluates how potentially sensitive uses such as post secondary colleges, universities, trade schools, hotels, recreation and entertainment uses within 1,000 metres of the existing Enbridge facility located at 405 Eastern Avenue and the City works yard located at 433 Eastern Avenue, would affect the ability of those facilities to carry out normal business activities. The study will also evaluate whether the anticipated users will potentially be subject to adverse effects from on-site contamination or from odour, noise and other contaminants that could be discharged from the Enbridge facility and City works yard and recommend to the satisfaction of the City any necessary mitigation and/or buffering measures to be undertaken by the proponent.
- v. the City, the TRCA, and the province will be satisfied that adequate flood mitigation and reduction measures can be provided. The proposal will also be compatible, and sensitively integrated with the planned naturalization of the Don River.
- d. The City will review this policy within five years of it coming into effect. Prior to review and before the next Municipal Comprehensive Review, the City may initiate Official Plan Amendments as necessary for the purpose of facilitating comprehensive infrastructure and precinct planning to

extend the employment land use permissions and requirements of sub-policies a) through c) inclusive to adjoining lands located at 6 Booth Avenue, 385, 405, 415 and 433 Eastern Avenue and 1, 5 and 9 Don Roadway subject to the following conditions:

- i. the proposed amendment is not intended to add any residential, including live/work, permissions to the lands; and
- ii. the owners and operators of the adjoining lands have been consulted.'

Attachment 5: Zoning

