

City-initiated Official Plan Amendment - Lower Don Flood Protection - Final Report

Date: November 16, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 10 - Spadina-Fort York; Ward 14 - Toronto Danforth; Ward 13 - Toronto Centre

Planning Study File Number: 2020 203458 STE 13 OZ

SUMMARY

This report proposes amendments to the City of Toronto Official Plan and Former City of Toronto Official Plan to remove a barrier for the City to enter into future agreements with the Toronto and Region Conservation Authority (TRCA) to transfer City-owned lands to the TRCA that are designated Parks, Parks and Open Space Areas or Other Parks and Open Space as part of undertaking flood protection works in the Lower Don River area. Official Plan Amendments are required because the lands are designated Parks and Open Space Areas in both the Official Plan and the former City of Toronto Official Plan. The sale or disposal of City-owned Parks and Open Space Areas is prohibited and the granting of an easement exceeding a period of 21 years is a form of disposal that is not permitted. The Official Plan amendments do not propose any changes in land use designation or reduction in the City's Green Space System.

As well, these Official Plan Amendments will allow the City to enter into future agreements with utility companies, federal or provincial government agencies or boards, and Crown corporations to permit the establishment of easements or the transfer of City-owned lands for the construction of City-building infrastructure projects within the Lower Don River area.

The OPA area, as specified in Attachment 1, is the general location of flood protection works in the Lower Don River area and does not represent the specific lands that may be the subject of future negotiations for the disposal of City-owned lands. This report does not recommend and will not result in the declaration of surplus any City-owned lands.

Staff are planning a comprehensive report on end-state land transactions that will be required following the completion of Port Lands Flood Protection in 2024. This report will be coordinated by the Waterfront Secretariat and will involve staff from CREM, Legal Services, City Planning, CreateTO, TRCA and a number of the City's operating

Divisions. The report will address the transactions that are necessary in relation to the completion and operation of new roads, parks, water and wastewater infrastructure, etc. Real Estate Services advises that additional Council authority will be required for any City lands to be declared surplus for the purposes of granting a permanent easement, a transfer of title, or any other disposal of City lands contemplated within any future City Planning report, in accordance with applicable City by-laws and procedures.

The report reviews and recommends approval of amendments to the Official Plans for these purposes.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands in the Lower Don River area, substantially in accordance with the proposed Official Plan Amendment attached as Amendment 5 to the report dated November 16, 2020 from the Director, Community Planning, Toronto and East York District.
2. City Council amend the former City of Toronto Official Plan, for the lands in the Lower Don River area, substantially in accordance with the proposed Official Plan Amendment attached as Amendment 6 to the report dated November 16, 2020 from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the proposed Official Plan Amendment and former City of Toronto Official Plan Amendment as may be required.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

At its meeting of July 6-8, 2010, City Council adopted the staff report from the Deputy City Manager, entitled "Lower Don Lands Project", dated May 31, 2010. This report sought City Council support for a number of studies and plans completed by Waterfront Toronto and the TRCA for the lands south of the rail corridor, east of Small Street, West of the Don Roadway and north of the Ship Channel, known as the "Lower Don Lands". City Council adopted the preferred alternative of the Don Mouth Naturalization and Port Lands Flood Protection Environmental Assessment and its submission to the Minister of the Environment for approval

The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX45.15>

At its meeting of October 2-4, 2012, City Council adopted the staff report, with amendments, entitled "Port Lands Acceleration Initiative – Final Report", and dated August 24, 2012. City Council endorsed the Summary of Findings of the initial phase of the Port Lands Acceleration Initiative process and adopted recommendations and directions to amend the Don Mouth and Lower Don Lands environmental assessments, based on a revised flood protection scheme.

The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX22.1>

At its meeting of November 8, 2016, City Council adopted the staff report entitled Port Lands Flood Protection – Due Diligence Review and Next Steps, dated October 21, 2016, where city staff recommended next steps for the Port Lands Flood Protection project.

The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX18.3>

At its meeting of March 28, 2017, City Council adopted the staff report entitled Unilever Precinct Planning Study - Status Update, dated February 7, 2017, where city staff were directed to commence, together with the TRCA and Waterfront Toronto, the Broadview and Eastern Flood Protection Municipal Class Environmental Assessment.

The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG18.6>

ISSUE BACKGROUND

The Lower Don Lands, South of Eastern and the Port Lands are the focus of numerous City-building projects that are advancing federal, provincial and City interests and priorities, including flood protection and supporting infrastructure, transit expansion, stormwater management, utility relocation, parks and open space, and new urban-scale development.

To enable many of these City-building initiatives, the Port Lands Flood Protection and Enabling Infrastructure Project (PLFP) received funding approval from the three levels of Government on June 28, 2017. Waterfront Toronto, the City of Toronto, TRCA and CreateTO have undertaken the design and construction of the PLFP to protect the Port Lands, Lower Don Lands, East Harbour, South of Eastern, and adjacent areas from potential loss of life and costly flood damage associated with a major flood event, as well as unlocking these lands for development. In addition, the City, TRCA and Waterfront Toronto are undertaking the Broadview and Eastern Flood Protection Municipal Class Environmental Assessment (BEFP) to recommend a flood protection solution for the remaining 8 hectare area that is bounded by the Union Station Rail Corridor, Eastern Avenue, and the Don River Channel.

In order for the TRCA to complete, monitor and maintain certain flood protection works within the Lower Don River valley, City-owned lands may be identified for transfer to the TRCA in the future. As well, there may be the need for the City to enter into agreements with utility companies, federal or provincial agencies or boards, and/or Crown corporations to establish easements to facilitate City-building capital projects within the Lower Don River area.

In addition to flood protection, there are a number of other infrastructure projects which are either under way or anticipated in the Lower Don area which may result in a need for new easements, land transfers or other agreements. This includes transportation projects such as the GO Expansion and Ontario Line as well as the Gardiner Expressway & Lake Shore Boulevard East Reconfiguration. It also includes utility projects being carried out by Enbridge, Toronto Hydro or Hydro One, as well as City changes to servicing infrastructure through the implementation of the Don River & Central Waterfront Project (Inner Harbour West Tunnel and Coxwell Bypass) and the Waterfront Sanitary Servicing Master Plan.

The PLFP and BEFP will provide flood protection through the creation of a new, naturalized mouth for the Don River, as well as other significant flood protection measures in the Lower Don Lands, Port Lands and South of Eastern. This will result in two additional outlets for the Don River, which ultimately will be surrounded by new parks, green space and public realm enhancements.

The lands within the Lower Don River area are within the Green Space System on Map 2 (Urban Structure) of the Official Plan and designated Parks, Parks and Open Space Areas or Other Open Space Areas on Map 18 - Land Use (Attachments 2 and 3). Policies 2.3.2.4 and 4.3.8 of the Official Plan do prohibit the sale or disposal of City-owned lands in the Green Space System or in Parks, Parks and Open Space Areas and Other Open Space Areas unless the lands are exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

The lands within the Lower Don River area are designated Parks and Open Space in the Central Waterfront Secondary Plan, which is currently in force within the former City of Toronto Official Plan. As well, a portion of the lands, to the south of the Union Station Rail Corridor and west of the Don River, are designated Open Space on Map 1: Land Use within the Former City of Toronto Official Plan. Former City of Toronto Official Plan policy 4.5 prohibits the disposal of City-owned lands that are designated Open Space.

Proposal

In support of the Lower Don River area flood protection works and related City-building infrastructure projects, an amendment to the Official Plan is required in order to allow the City to enter into future agreements with the TRCA, federal or provincial agencies or boards, and/or utility companies to transfer sell or dispose by way of long term easement any City-owned lands that are identified in the Green Space System and/or designated Parks, Parks and Open Space Areas and Other Open Space Areas unless the City accepts nearby comparable lands of equivalent, larger, comparable or superior utility in exchange.

An amendment to the former City of Toronto Official Plan is also required since a portion of the lands in question are within the West Don Lands and Keating Channel East Precincts in the Central Waterfront Secondary Plan (CWSP) area. This amendment is also required in order to allow the City to dispose of City-owned lands that are designated Open Space.

The amendments are a technical exercise that will remove a barrier to future negotiations between the City and the TRCA on the transfer of lands that are required for flood protection works. The sale or disposal of City-owned Parks and Open Space Areas is prohibited and the granting of an easement exceeding a period of 21 years is a form of disposal that is not permitted. The Official Plan amendments do not propose any changes in land use designation or reduction in the City's Green Space System.

The OPA area, as specified in Attachment 1, is the general location of flood protection works and does not represent the specific lands that may be the subject of future negotiations for the disposal of City-owned lands. The amendments to the Official Plans do not recommend and will not result in the transfer of any City-owned lands.

Additional Council authority will be required for any City lands to be declared surplus for the purposes of granting a permanent easement, a transfer of title, or any other disposal of City lands, in accordance with applicable City by-laws and procedures.

The proposed amendments are provided in Attachments 5 and 6.

Site and Surrounding Areas

The subject lands are part of the Lower Don Lands floodplain and are located between the Corktown Common flood protection landform and the Don River channel on the east side of the West Don Lands Precinct.

Surrounding uses include:

North: The Lower Don River channel, with a Metrolinx rail corridor and the Lower Don Trail on the west side of the channel, the Eastern Avenue Bridge, as well as The River City mixed-use residential development.

South: The Lower Don River Channel, and further to the south construction of the new Lower Don River valley and mouth.

East: The Lower Don River channel and the Union Station Rail Corridor. Further to the east is the East Harbour development and the BMW dealership at Sunlight Park Road.

West: The dry side of the Corktown Common flood protection landform and park lands, as well as a new mixed-use residential building at 216 Eastern Avenue. Further to the west is the emerging West Don Lands mixed-use precinct.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities, including the:

- conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- orderly development of safe and healthy communities;
- adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- adequate provision of a full range of housing, including affordable housing;
- adequate provision of employment opportunities;
- appropriate location of growth and development;
- supply, efficient use and conservation of energy and water;
- promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use

planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. This new plan amends the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a review pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan, including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act, all decisions of Council in respect of the exercise of any authority that affect a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

Staff have reviewed the proposed Official Plan Amendments for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act*. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The majority of the lands are located within the Downtown and Central Waterfront area on Map 2, Urban Structure of the Official Plan. Section 2.2.1 – Downtown: The Heart of Toronto together with the Downtown Plan provide direction on Downtown as a growth area that will continue to evolve as a healthy and attractive place to live and work.

Most of the lands are in the Green Space System on Map 2 (Urban Structure) of the Official Plan, with a portion of these lands designated Parks, Parks and Open Space Areas and Other Open Space Areas.

The Parks and Open Space Areas designation generally prohibits development within Parks and Other Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. These areas generally include the parks and open spaces, valleys, watercourse and ravines, golf courses and cemeteries that comprise a green open space network in Toronto.

Section 3.1.1 – The Public Realm includes policies to promote beautiful, comfortable, safe and accessible streets, parks, open spaces and public buildings as a key shared asset.

Policies 2.3.2(4) and 4.3(8) of the Official Plan prohibit the sale or disposal of City-owned lands in the Green Space System or in Parks and Open Space Areas, unless the lands are exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

Former City of Toronto Official Plan

The former City of Toronto Official Plan is in force for the portion of the subject lands that are within the boundaries of the King-Parliament Part II Plan and East Bayfront, as defined on Map 1. Parks and Open Space policies provide policy direction on the retention, expansion and development of parks and open spaces in the City. Policy 4.5 prohibits the disposal of City-owned Open Space.

Because the Central Waterfront was an amendment to the former City of Toronto Official Plan, the former City of Toronto Official Plan is the in-force Official Plan for the portion of the lands that are within the boundaries of West Don Lands and Keating Channel East. The lands are designated Parks and Open Space within the CWSP.

Former Metropolitan Toronto Official Plan

As the guiding document for the former City of Toronto Official Plan, the former Metropolitan Toronto Official Plan (the "Metro Plan") also remains in force for a portion of the lands. The Metro Plan locates the lands within the Central Area as specified on Map 4 and the Metropolitan Green Space System as specified on Map 5.

The Metro Plan provides policy direction for attaining an urban structure that fosters liveability, focuses programs on sustainable community development, enhances the planning process and promotes effective collaboration.

The policy objective for the Metropolitan Green Space System is to protect and rehabilitate the integrity of the natural features and ecological functions, improve physical connections to other green spaces and meet recreational and leisure needs of the increased City of Toronto population. Policy 48 discourages the sale or lease to the private sector of publicly owned lands within the Metropolitan Green Space System.

Local Policy Context

The lands are currently subject to a number of existing planning frameworks and environmental assessments - both statutory and non-statutory - that guide growth, development and public realm decisions.

Lower Don Special Policy Area

The lands are 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.

Central Waterfront Secondary Plan

The principles of the CWSP provide a framework for waterfront renewal over the long term and focus on removing barriers/making connections; building a network of spectacular waterfront parks and public spaces; promoting a clean and green environment; and creating dynamic and diverse new communities. The lands are designated Parks and Open Spaces within the CWSP.

Parks and Open Spaces are areas for use as parks, open spaces, natural areas and plazas, and can include compatible community, recreation, cultural, restaurant and entertainment facilities.

The CWSP was adopted by Council in 2003 and was approved by the Local Planning Appeal Tribunal for the West Don Lands area on December 9, 2005.

West Don Lands Precinct Plan

In adopting the CWSP, Council identified the need for a precinct planning process to provide greater detail on implementation of public infrastructure, flood protection and the built form of new development. The West Don Lands Precinct Plan (2005) sets out a vision for the area, identifies the public investment required for redevelopment, includes

the development of a flood protection landform, parks and open space, public realm, a development plan and urban design guidelines.

The Precinct Plan was endorsed by Council in 2006 as a non-statutory plan. A partial update was completed in 2011 for some blocks... Redevelopment of the area, including the development of a flood protection landform, has largely followed the Precinct Plan and other supplementary plans, and the area is developing into a vibrant mixed-use community.

Site and Area Specific Policy 426

SASP 426 was an outcome of the Municipal Comprehensive Review related to the City's employment lands, specific to the former Unilever factory lands at 21 Don Valley Parkway and the adjacent 30 Booth Avenue parcel. The policies in SASP 426 introduced the concept of a comprehensively planned employment precinct permitting a mix of non-residential uses, of which the majority would be office, post-secondary institutions, hotels, studios and research facilities, to be supported by an appropriate mix of amenities to serve the workforce. In addition to the General Employment Areas policies of OPA 231, SASP 426 includes policies regarding considerations for redevelopment of the Precinct, phasing provisions, compatibility considerations regarding the Enbridge distribution facility and the City of Toronto works yard, and provisions linked to ensuring that adequate flood mitigation measures have been planned and development is compatible with the planned naturalization of the Don River.

Port Lands Flood Protection Project Environmental Assessment

The elimination of the flooding risk in the vicinity of the Mouth of the Don River is a multi-phased project, with the first phase being the West Don Lands flood protection landform constructed as a part of Corktown Common. The Port Lands Flood Protection Project is the second phase of flood protection and covers the vast majority of the remaining properties in the Lower Don Special Policy Area that are still susceptible to flood risk, including the Port Lands, South of Eastern District and Keating Channel Precinct.

The Port Lands Flood Protection project will provide permanent flood protection through the development of a new, naturalized mouth of the Don River and other flood protection measures, as well as the establishment of new parks, naturalized open space and public realm enhancements. This flood protection initiative is key to unlocking new development opportunities for both the Port Lands and South of Eastern area, as well as removing flood risk for a number of neighbourhoods in the vicinity of the Lower Don.

In May 2018, the Government of Canada, Government of Ontario and the City of Toronto (the "City"), entered into a \$1.25 billion Tri-Government Contribution Agreement with Waterfront Toronto to construct the Port Lands Flood Protection Project. Waterfront Toronto, the City of Toronto and TRCA are advancing flood protection works, which is currently under construction and scheduled to be complete in 2024.

Broadview and Eastern Flood Protection Municipal Cass Environmental Assessment

Following implementation of the Port Lands Flood Protection Project, approximately 8 hectares of urban land bounded by the Don River to the west, Eastern Avenue to the north, and the Metrolinx railway embankment to the south remain vulnerable to flooding under what is known as a regional storm (a storm of the same magnitude as Hurricane Hazel). This area is also the focus of a number of key City-building development and infrastructure initiatives, including the East Harbour development, Broadview and Eastern Environmental Assessment and the extension of Broadview Avenue. The primary goal of Broadview and Eastern Flood Protection is to identify a flood protection solution that will remove the remaining flood risk to the lands east of the Don River and north of the elevated railway embankment following full implementation of Port Lands Flood Protection. This Environmental Assessment is ongoing and may require City-owned lands to be transferred to the TRCA in the future to construct flood protection infrastructure.

Protocol Regarding the Lower Don Special Policy Area

A Protocol Regarding the Lower Don Special Policy Area ("the Protocol") was signed by the City of Toronto and the Province in April 2018. The Protocol sets out steps to coordinate and sequence approvals for new and intensified development in the Lower Don Special Policy Area, concurrent with flood protection infrastructure to address flood risk and public health and safety, and property damage. The Protocol also sets out mechanisms of how to manage flood risk for proposed developments prior to the completion of the flood protection works.

In accordance with the Protocol, public authorities rely on the TRCA to determine when the flood protection infrastructure is deemed complete and functional.

COMMENTS

The proposed amendments are a technical exercise that will remove a barrier to the City entering into future negotiations with TRCA regarding potential transfer of, and/or long-term easements on, City-owned lands in support of flood protection works. As well, the proposed amendments will enable the City to enter into future agreements for the transfer of City-owned lands.

The OPA area, as specified in Attachment 1, is the general location of flood protection works in the Lower Don River area and does not represent the specific lands that may be the subject of future negotiations for the disposal of City-owned lands. This report does not recommend and will not result in the declaration of surplus any City-owned lands. No changes in Official Plan land use designation are proposed through these amendments.

Lands within the Lower Don River Valley area in the Green Space System or designated Parks, Parks and Open Space Areas and Other Open Space Areas have long been set aside for park purposes. The City has partnered with the TRCA and

Waterfront Toronto on a number of flood protection, public realm enhancement, trail improvement and conservation projects within the Don River watershed.

The City, Waterfront Toronto and the TRCA are collaborating on the implementation of the PLFP, including flood protection works that are within the proposed Official Plan Amendments' subject area as identified in Attachment 1. The TRCA would be required to undertake flood protection works and ongoing maintenance within these lands, which would be within the Lower Don floodplain after Port Lands flood protection had been achieved. These lands will remain in the Lower Don River floodplain, will continue to be part of the Green Space System, and will continue to be designated Parks and Open Space Areas.

In addition, a number of major City-building projects are planned within this area that are related to flood protection which may require permanent easements on City-owned land designated as Parks and Open Space Areas, including the relocation of utilities.

The sale or disposal of City-owned Parks and Open Space Areas or Open Space is prohibited and the granting of an easement exceeding a period of 21 years is a form of disposal that is not permitted. Chapter 213 of the City of Toronto Municipal Code defines a "sale" as including a disposition of land for more than 21 years, which applies to easements that exceed 21 years. The prohibition on the disposal of City-owned land is longstanding and does not allow transfer or creation of long-term easements in favour of other public agencies, Crown corporations or utilities for infrastructure works or other City-building initiatives

The proposed amendments are intended to support the PLFP, which is scheduled to be completed in 2024, as well as the BEFP project and the many supporting City-building projects that are planned in the Lower Don River area. Once flood protection works has been completed and the Lower Don Special Policy Area has been removed, the amendments will no longer apply.

The Waterfront Secretariat is planning on bringing forward a report to City Council in 2022 that will recommend roles and responsibilities, as well as identify potential lands that may be transferred to the TRCA, as Port Lands and Broadview and Eastern flood protection works progress. This future report will be the result of collaboration with various City Divisions, TRCA, Waterfront Toronto, CreateTO and other relevant agencies. City Council will provide direction on the potential disposal of any City-owned lands that are identified in this future report. As well, this future report will recommend any potential land transfers or long-term easements that may be negotiated with utility companies, federal or provincial government agencies or boards, and Crown corporations to permit the establishment of easements or the transfer of City-owned lands for the construction of City-building infrastructure projects within the Lower Don River area.

Real Estate Services advises that additional Council authority will be required for the any City lands to be declared surplus for the purposes of granting a permanent easement, a transfer of title, or any other disposal of City lands contemplated within any future City Planning report, in accordance with applicable City by-laws and procedures.

CONCLUSION

The proposed amendments are consistent with Council's objectives for this area as the lands will continue to serve as part of the Green Space System and continue to function as Parks and Open Space Areas and Open Space after any transfer of land or establishment of easements have been concluded. The proposed amendments do not conflict with the intent of the PPS, or the Growth Plan.

The proposed Official Plan Amendments are technical in nature and considered appropriate. This report recommends approval of the amendments of the Official Plans for this purpose.

CONTACT

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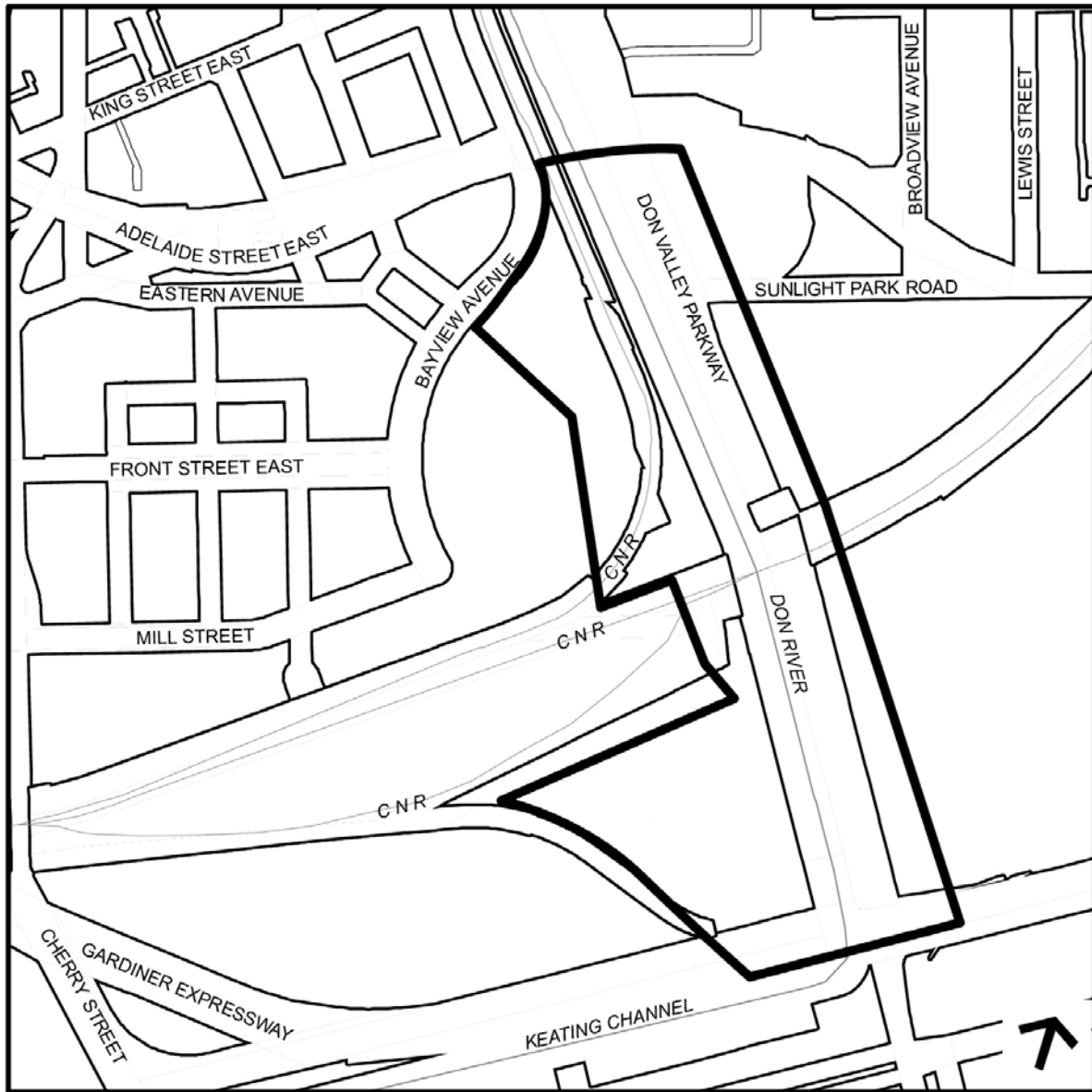
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Lynda H. Macdonald, MCIP, RPP, OALA, FSCLA, Director
Community Planning, Toronto & East York District

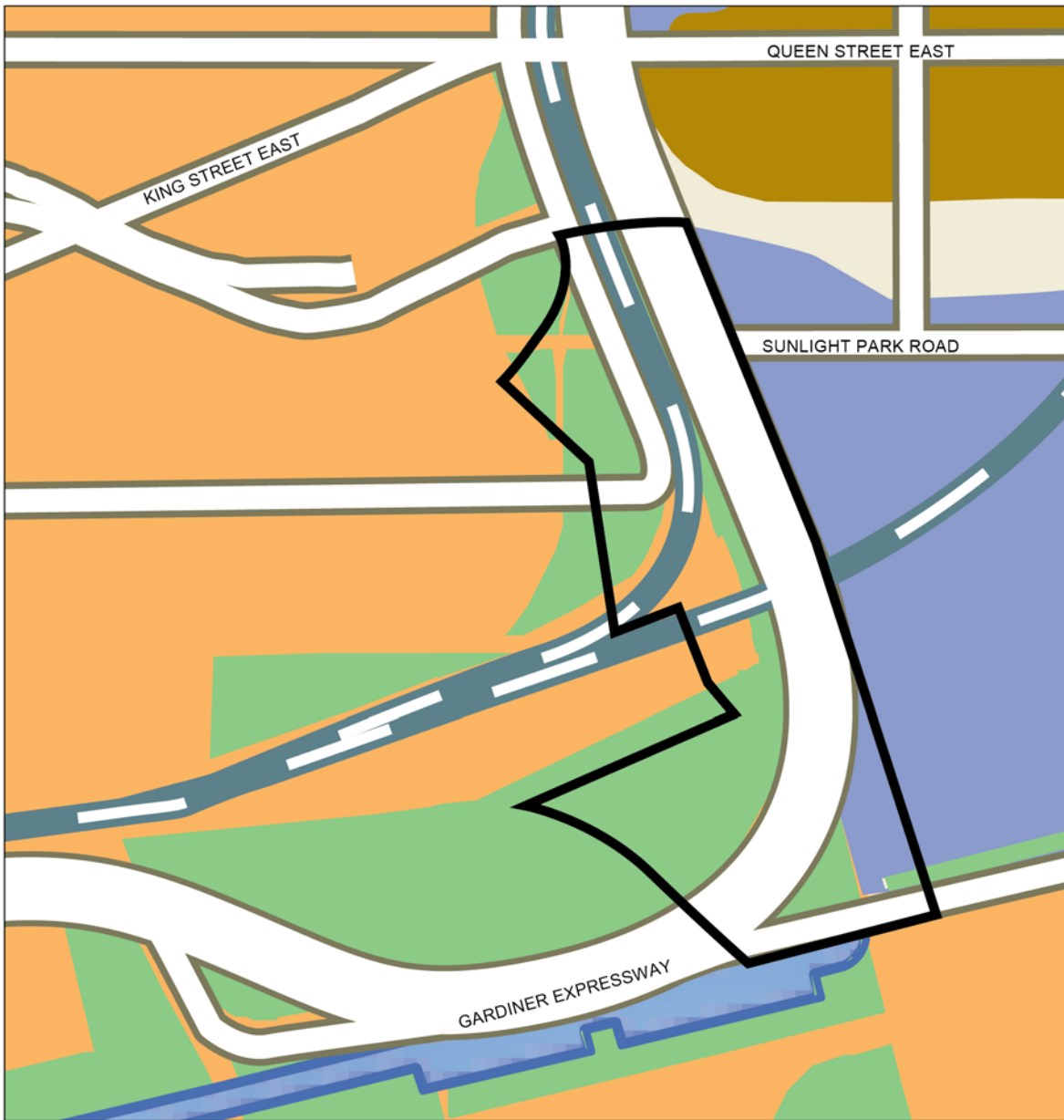
ATTACHMENTS

Attachment 1: Lower Don River Area
Attachment 2: Official Plan Urban Structure - Green Space System
Attachment 3: Official Plan Land Use Map #18
Attachment 5: Central Waterfront Secondary Plan - Land Use
Attachment 5: Proposed Official Plan Amendment
Attachment 6: Proposed Former City of Toronto Official Plan Amendment

Attachment 1: Lower Don River Area - Site and Area Specific Policy No. 563



Attachment 2: Official Plan Urban Structure - Green Space System



Official Plan Urban Structure

Lower Don River Area

File # 20 203458 STE 13 0Z

-  Location of Application
-  Avenues
-  Downtown and Central Waterfront
-  Employment Areas
-  Green Space System

↑
Not to Scale
10/30/2020

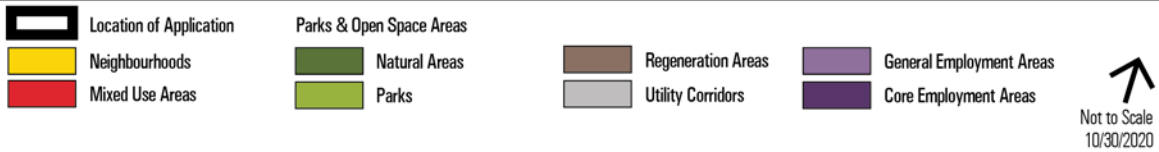
Attachment 3: Official Plan Land Use Map #18



Lower Don River Area

Official Plan Land Use Map #18

File # 20 203458 STE 13 OZ



Attachment 4: Central Waterfront Secondary Plan - Land Use



Central Waterfront Secondary Plan - Land Use Plan

Lower Don River Area

File # 20 203458 STE 13 0Z



Location of Application



Secondary Plan Boundary



Parks and Open Space Areas



Regeneration Areas



Existing Use Areas



Foot of Yonge Special Study Area



Public Promenade (Dockwall/Water's Edge)



Port Lands



Area of Amendment for Lower Don Lands



Not to Scale
10/30/2020

Attachment 5: Proposed Official Plan Amendment

AMENDMENT NO. 516 TO THE CITY OF TORONTO OFFICIAL PLAN FOR LOWER DON FLOOD PROTECTION - CITY-OWNED LANDS

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2020

Enacted by Council: ~, 2020

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2020

To adopt an amendment to the City of Toronto Official Plan respecting the lands generally known as the Lower Don River Area.

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 516 to the City of Toronto Official Plan is hereby adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

JOHN TORY,

JOHN ELVIDGE

Mayor

City Clerk

(Corporate Seal)

AMENDMENT NO. 516 TO THE CITY OF TORONTO OFFICIAL PLAN

The Official Plan of the City of Toronto is amended as follows:

Chapter 7, Site and Area Specific Area Policies is amended by adding the following policy no. 563.

1. City-owned lands located within the area shown on the map below are exempt from Policies 2.3.2(4) and 4.3(8) of this Plan, which prohibit the disposal of City-owned land in the Green Space System as specified or Parks and Open Space Areas, provided that, as part of any agreement to transfer any lands specified in the map below, any transferred lands will continue to be included in the Green Space System as specified in Map 2 - Urban Structure and/or Parks and Other Open Space Areas as specified in Map 18 - Land Use Plan, and:

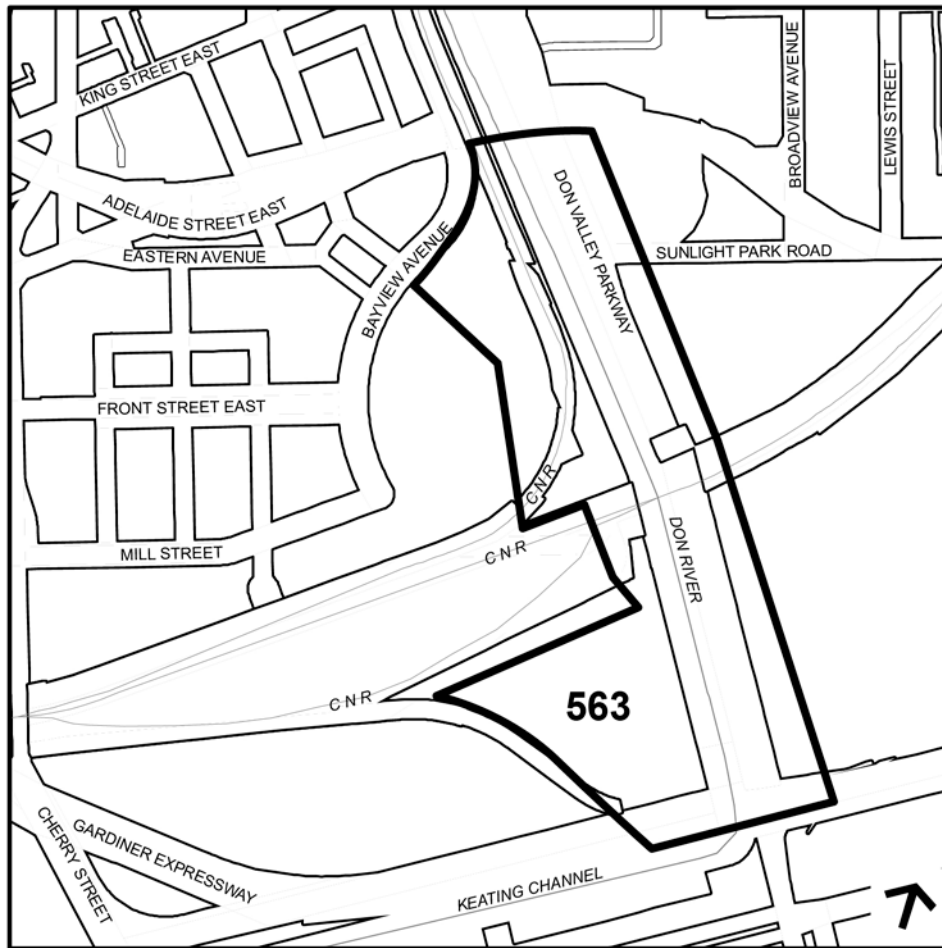
(i) a transfer of City-owned land is supported by an approved Environmental Assessment, Plan or Study; and,

(ii) the lands are transferred from time to time to the Toronto and Region Conservation Authority for the purpose of flood protection activities and/or conservation activities; or

(iii) the lands are transferred from time to time to federal or provincial government agencies or boards for purposes of advancing infrastructure projects or conservation activities; or

(iv) the lands are transferred from time to time to utilities or Crown corporations for the purposes of the establishment of a long-term easement.

2. Site and Area Specific Policy No. 563 will no longer apply to the lands specified in the map below once the Lower Don Special Policy Area has been removed.



3. Map 29, Site and Area Specific Area Policies, is amended by labelling the lands shown on the map above, as being subject to Site and Area Specific Area Policy No. 563.

AMENDMENT NO. 404 TO THE FORMER CITY OF TORONTO OFFICIAL PLAN FOR LOWER DON FLOOD PROTECTION - CITY-OWNED LANDS

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2020

Enacted by Council: ~, 2020

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2020

To adopt an amendment to the Former City of Toronto Official Plan respecting the City-owned lands generally known as the Lower Don River Area.

WHEREAS authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 404 to the former City of Toronto Official Plan is hereby adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

JOHN TORY,

JOHN ELVIDGE,

Mayor

City Clerk

(Corporate Seal)

The Former Official Plan of the Former City of Toronto is amended as follows:

Section 18: Exceptions, Special Amendments and Modifications, Maps is amended by adding the following new policy.

1. City-owned lands located within the area shown on the map below are exempt from policy 4.5 of this Plan, which prohibit the disposal of City-owned lands designated Open Space on Map 1 - Land Use and in the Central Waterfront Secondary Plan designated as Parks as specified, provided that, as part of any agreement to transfer any lands specified in the map below, any transferred lands will continue to be designated Open Space in Map 1 - Land Use and/or designated as Parks and Open Space in the Central Waterfront Secondary Plan, and:

(i) a transfer of City-owned land is supported by an approved Environmental Assessment, Plan or Study; and,

(ii) the lands are transferred from time to time to the Toronto and Region Conservation Authority for the purpose of flood protection activities and/or conservation activities; or

(iii) the lands are transferred from time to time to federal and provincial government agencies and boards for purposes of advancing infrastructure projects or conservation activities; or

(iv) the lands are transferred from time to time to utilities or Crown Corporation for the purposes of the establishment of an easement.

2. Official Plan Amendment No. 404 will no longer apply to the lands specified in the map below once the Lower Don Special Policy Area has been removed.

