

475 Front St E – Zoning Amendment Application – Temporary Use By-law - Final Report

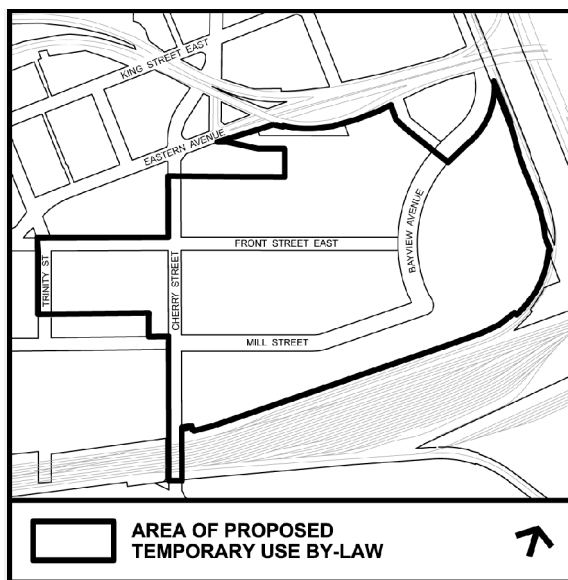
Date:	September 20, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	12 162077 STE 28 OZ

SUMMARY

This application by Ontario Infrastructure and Lands Corporation ("Infrastructure Ontario") is for a Temporary Use by-law for a portion of the West Don Lands to permit the construction and use of lands and structures for the purposes of preparing for and hosting the Athletes' Village for the 2015 Pan/Parapan American Games (Pan Am Games).

The Temporary Use By-law is necessary because temporary uses of land, buildings and structures that are required for the Pan Am Games may not comply with applicable zoning by-law provisions.

This report reviews and recommends approval of the application to amend both the City of Toronto Zoning By-law No. 438-86 and the site specific Zoning By-law No. 4-2011 to permit the proposed temporary uses for a three-year period.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the City of Toronto Zoning By-law No. 438-86, as amended, for Phase I of the lands generally located within the West Don Lands, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3 to report (September 20, 2012) from the Director, Community Planning, Toronto and East York District, for a Phase I Temporary Use By-law, for a period of up to 3 years from the date of passing of the by-law.
2. City Council amend the City of Toronto Zoning By-law No. 438-86, as amended, for Phase II of the lands generally located within the West Don Lands, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to report (September 20, 2012) from the Director, Community Planning, Toronto and East York District, for a Phase II Temporary Use By-law, for a period of up to 3 years from the date of passing of the by-law.
3. Prior to the introduction of the bills in Council for the Phase II Temporary Use By-law, City Council require that Infrastructure Ontario and the City come to an agreement regarding the temporary site layout and provision of landscaping that is satisfactory to the Chief Planner and Executive Director of City Planning.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The West Don Lands Precinct Plan and West Don Lands Block Plan & Urban Design Guidelines provide a framework for development in the West Don Lands and were endorsed by City Council in 2005 and 2006. By-law No. 588-2006 implemented Phase 1 of the Precinct Plan, Block Plan & Urban Design Guidelines and was adopted by City Council in June 2006. Phase 1 and Phase 2 of the Plans of Subdivision have been approved and registered. By-law No. 4-2011 implements the Precinct Plan and Urban Design Guidelines for Phase 2 of the West Don Lands and was enacted by Council in December 2010. Zoning By-law No. 1131-2011 removed the holding symbol for Phase 2 of the West Don Lands.

The Preliminary Report dated May 18, 2012 was adopted by Toronto and East York Community Council on June 13, 2012 and can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-47432.pdf>

ISSUE BACKGROUND

Proposal

The 2015 Pan/Parapan American Games (Pan Am Games) are a multi-sport event held every four years with competitors from countries in the Americas. The Toronto region was the successful bid to host the 2015 Pan American Games, which take place from July 10-26, 2015 and the Parapan American Games which will be held from August 7-14, 2015. Infrastructure Ontario, an agency of the Province, is responsible for the delivery of venues for the Pan Am Games, including the Athletes' Village, which is located in the West Don Lands.

Infrastructure Ontario is working in partnership with Waterfront Toronto and the Toronto Organizing Committee (TO 2015) to develop the Athletes' Village. The long-term build-out contains permanent structures and facilities including market and non-profit housing with some commercial uses on the ground floors, a sports/recreational facility and a student residence. These permanent structures and facilities will be used temporarily in 2015 for the Pan Am Games. The Athletes' Village will also include a number of temporary facilities that will be removed after the games. Temporary uses in the Athletes' Village during the games will include the athlete's accommodations and recreation facilities, a welcome centre, team administrative offices, media centre, laundry facility, massage and medical facilities, fitness centre, parks, bus parking and related facilities.

The Athletes' Village is being constructed by Dundee Kilmer Development who were awarded the project through a competitive procurement process by Infrastructure Ontario. They are responsible for site plan approvals and delivery of the Athletes' Village for the Pan Am Games. Following the Pan Am Games, in September 2015 the temporary facilities will be removed and the permanent buildings will be fitted out for their permanent uses.

Site and Surrounding Area

The West Don Lands is comprised of approximately 32 hectares of land. The lands are largely owned by the Province of Ontario, while the City of Toronto owns existing and closed roads and lanes. The Toronto Waterfront Revitalization Corporation (Waterfront Toronto) acts as a master developer. The subject lands are generally bounded by Trinity Street to the west, the CN/Metrolinx rail tracks to the south, the Don River to the east and Eastern Avenue to the north.

The lands affected by the Temporary Use By-law for the Athletes' Village include:

Dundee Kilmer Development Blocks

Plans for the lands being developed by Dundee Kilmer Development which includes Blocks 1, 2, 3, 4, 14 & 15, are currently being finalized in the site plan approval process and construction is commencing. Blocks 12, 13 and 16 will be developed by Dundee Kilmer following the Pan Am Games and are currently vacant sites.

Infrastructure Ontario Blocks

Blocks owned by the Province (generally Blocks 3, 4, 8, 9, 10, 17, 20, 26, 28 & 29) are not being redeveloped in the immediate future. Blocks 10, 17 and 26 contain heritage structures and are vacant. Blocks 3, 4, 8, 9, 20, 28, 29 are generally vacant with no development plans at this time.

Park Blocks

Blocks 9 and 10 are being redeveloped as River Square Park and Don River Park. These parks will be in place during the Pan Am Games.

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.

Central Waterfront Secondary Plan

The Central Waterfront Plan was passed as Official Plan Amendment No. 257 by City Council on April 16, 2003. Although the Waterfront Plan was appealed to the Ontario Municipal Board, it was approved on December 9, 2005 as it pertains to the West Don Lands with the exception of the housing policies. The Central Waterfront Secondary Plan designates the West Don Lands as a "Regeneration Area" and "Parks and Open Space Areas".

King Parliament Secondary Plan

The King-Parliament Secondary Plan policy 10.1 designates the West Don Lands as a *Regeneration Area* with a portion, generally in the location of Don River Park, designated as *Parks and Open Space*. The *Regeneration Area* designation provides for a broad mix of residential, live/work, commercial, industrial, light industrial and institutional, including recreational and open space uses in an urban form in order to revitalize areas that are largely vacant or under-utilized.

West Don Lands Precinct Plan

The West Don Lands Precinct Plan was endorsed by City Council on May 17, 18, & 19 2005. The Precinct Plan provides an important framework for the West Don Lands which sets out the built form, public realm plan, parks and open spaces, sustainability measures, transit, public infrastructure, phasing and implementation initiatives.

West Don Lands Block Plan and Design Guidelines

The West Don Lands Block Plan and Design Guidelines were endorsed in principle by City Council in May 2006. The main objectives of the block plans and guidelines are to reinforce the vision of the West Don Lands Precinct Plan by defining height and massing of development, setbacks and stepbacks and the scale and character of building facades.

Zoning

The Athletes' Village lands are zoned RA, Reinvestment Area. Site specific Zoning By-law No. 4-2011 was adopted by City of Toronto Council in August 2010 and enacted by Council in December 2010. By-law No. 4-2011 is consistent with the Block Plan and allows for a greater range of permitted uses and performance standards including maximum heights, permitted tower areas, building setbacks and ground floor animation areas. On April 4, 2012 the Toronto and East York Committee of Adjustment approved minor variances to the zoning with respect to site plan applications for permanent structures that are currently under review within the Athletes' Village. The minor variances were not appealed.

The lands west of Cherry Street are in Phase 3 of the West Don Lands and have not yet been rezoned in accordance with the Block Plan. The lands are primarily zoned RA (H) with a height limit of 26m. An application to lift the H holding symbol has not been submitted. An H holding symbol also remains on Block 26 of the West Don Lands Phase 2 Plan of Subdivision.

Site Plan Control

The Athletes' Village lands are subject to Site Plan Control. Site Plan applications for the permanent structures are being processed for Blocks 1/14, 2, 3, 4, 11 and 15 which are being developed as athletes' housing during the Pan Am Games. Following the Games, these facilities will become residential condominiums, non-profit housing, a sports/recreational facility and a student residence.

Reasons for Application

Temporary residences and facilities are being constructed for the Pan Am Games that will be modified following the Games to allow for their final uses as residential condominiums, non-profit housing, a sports/recreational facility and a student residence. The existing zoning allows for the height, massing, setbacks and setbacks of the final uses, however, the temporary uses and temporary structures may not comply with applicable zoning by-law provisions.

The temporary uses proposed for the Athletes' Village are primarily residential dormitories for the athletes, but they also include a number of event and entertainment related uses. Potential uses include a transport mall, a large-scale dining tent with food preparation facilities, dry cleaning, laundry and parking facilities.

There is an immediate need for the Temporary Use By-law to be in place for the Dundee Kilmer Development blocks (Phase I) in the fall of 2012 to ensure that the legacy blocks will comply with building permits and inspections, taking into consideration the temporary and permanent uses of buildings and structures, in order to allow for construction to proceed in a timely manner and to permit the uses during the Pan Am Games.

This Temporary Use Zoning By-law will allow for the temporary Pan Am Games uses for a period of three years, until the fall of 2015, following the end of the Pan Am Games. Following the three year period, the lands will revert to the existing zoning that allows for the final permanent structures.

Community Consultation

A community consultation open house and meeting was held on Wednesday, June 27, 2012 at the Distillery District's Fermenting Cellar. Notice for the meeting was advertised in the Metro newspaper on Wednesday, June 20th, 2012. The meeting was attended by the applicants, City Planning staff and less than ten members of the public.

The residents that attended were curious to see what was being proposed and did not raise any concerns. Several advised that they felt that they were being well informed throughout the process and they did not feel the need to provide any formal written comments.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The long term viability of the lands for the uses permitted in the Official Plan and Zoning By-law has been carefully planned for and the final uses will be maintained as the ultimate plan for the area in accordance to the West Don Lands Precinct Plan and the West Don Lands Block Plan and Design Guidelines. The Pan Am Games have accelerated the process to move forward with West Don Lands long-term planning and significant progress is being made in constructing legacy features including the parks, infrastructure, affordable and student housing, a non-profit community recreation facility and multi-unit housing that will become inhabited and used following the Pan Am Games.

Blocks 1/14, 2, 3, 4, 11 and 15 are for permanent legacy structures that will provide the majority of the temporary athletes' accommodations and amenity space during the games. These blocks are time-sensitive as these legacy structures are long-term buildings where construction is imminent in order for them to be ready for the Pan Am Games. These blocks have been the subject of a rigorous approval process and are suitable for both the temporary and long term uses.

Blocks that are not being developed at this time (Phase II) will be considered for a temporary use by-law when staff are satisfied that the undeveloped sites will be landscaped to a minimum standard and the blocks that remain vacant following the Games will be restored to an interim condition that is acceptable until they are redeveloped.

Temporary Uses/Structures

City staff has no concerns regarding the approval of a Temporary Use By-law for the time-sensitive Dundee Kilmer Development blocks (Blocks 1/14, 2, 3, 4, 11 and 15) in Phase I that are undergoing site plan approval and will have permanent legacy structures and landscaping that will remain following the Pan Am Games.

As identified in the Preliminary Report that was adopted by Toronto and East York Community Council on June 13, 2012, there are concerns regarding sites where temporary structures and site works on vacant blocks for the Pan Am Games will be constructed and then removed in Phase II. The City has requested that there be an agreement between the City and Infrastructure Ontario requiring the temporary site layout and provision of landscaping.

On September 14, 2012 City staff met with Infrastructure Ontario to continue discussions regarding the long-term condition of vacant blocks in Phase II that are not being developed for legacy buildings. The City and Infrastructure Ontario agreed to move forward with the legacy blocks in Phase I that are under construction so they will not be delayed.

In order to accommodate the time-sensitive blocks that are being developed with legacy structures, Staff recommends a two-phased approval of the Temporary Use By-law to allow for the first phase to proceed. Accordingly, this report recommends approval and immediate introduction of the bills for enactment of a 3-year temporary use by-law for the legacy blocks in Phase I as indicated in the draft by-law amendment. Staff will continue to work towards an agreement with Infrastructure Ontario to allow for the temporary uses for the Pan Am Games for the Phase II blocks prior to enactment of the Bills for that phase.

CONTACT

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SIGNATURE

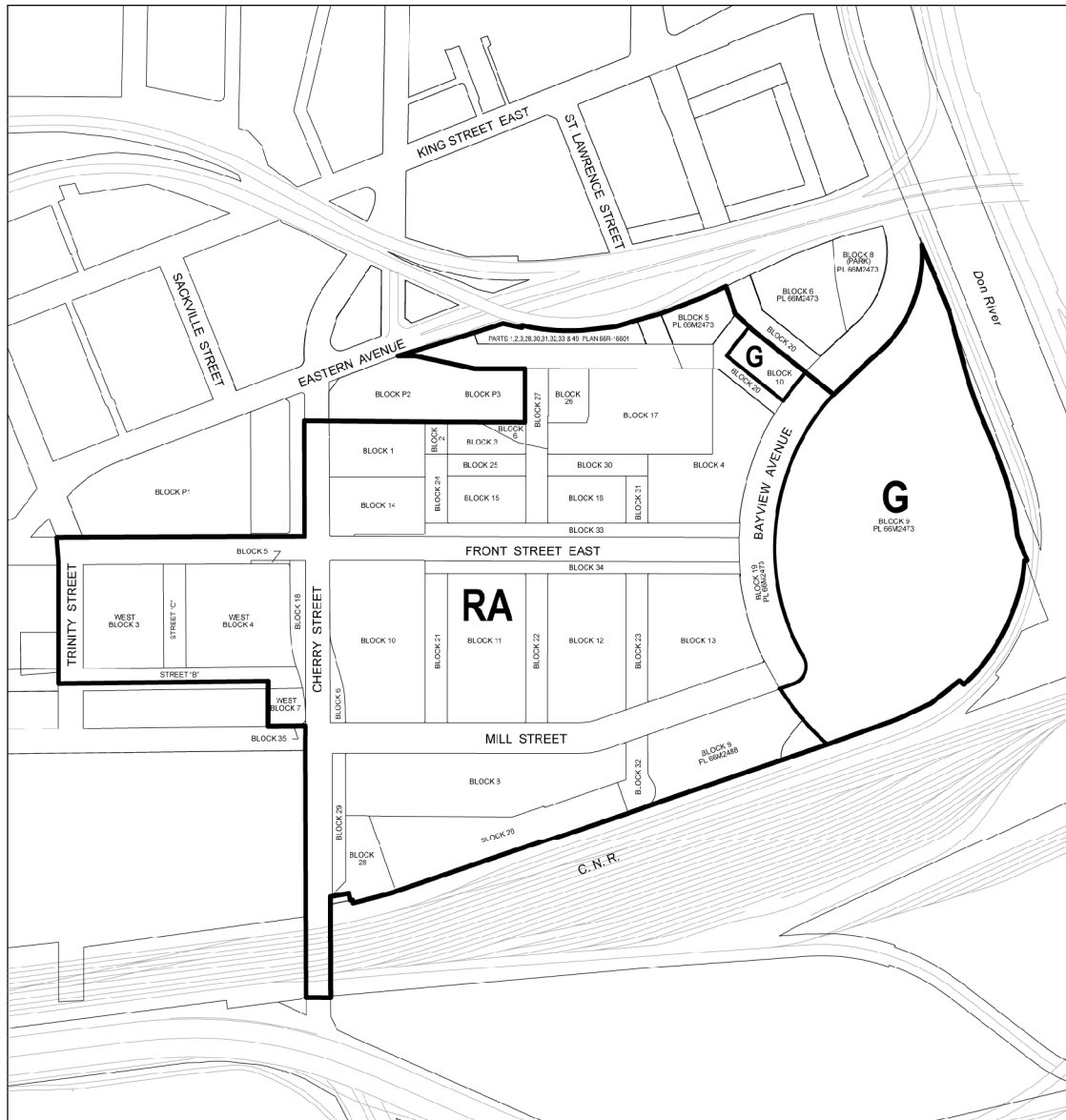
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Existing Zoning
Attachment 2: Official Plan
Attachment 3: Draft Phase I Temporary Use By-law
Attachment 4: Draft Phase II Temporary Use By-law

Attachment 1: Existing Zoning



TORONTO City Planning
Existing Zoning

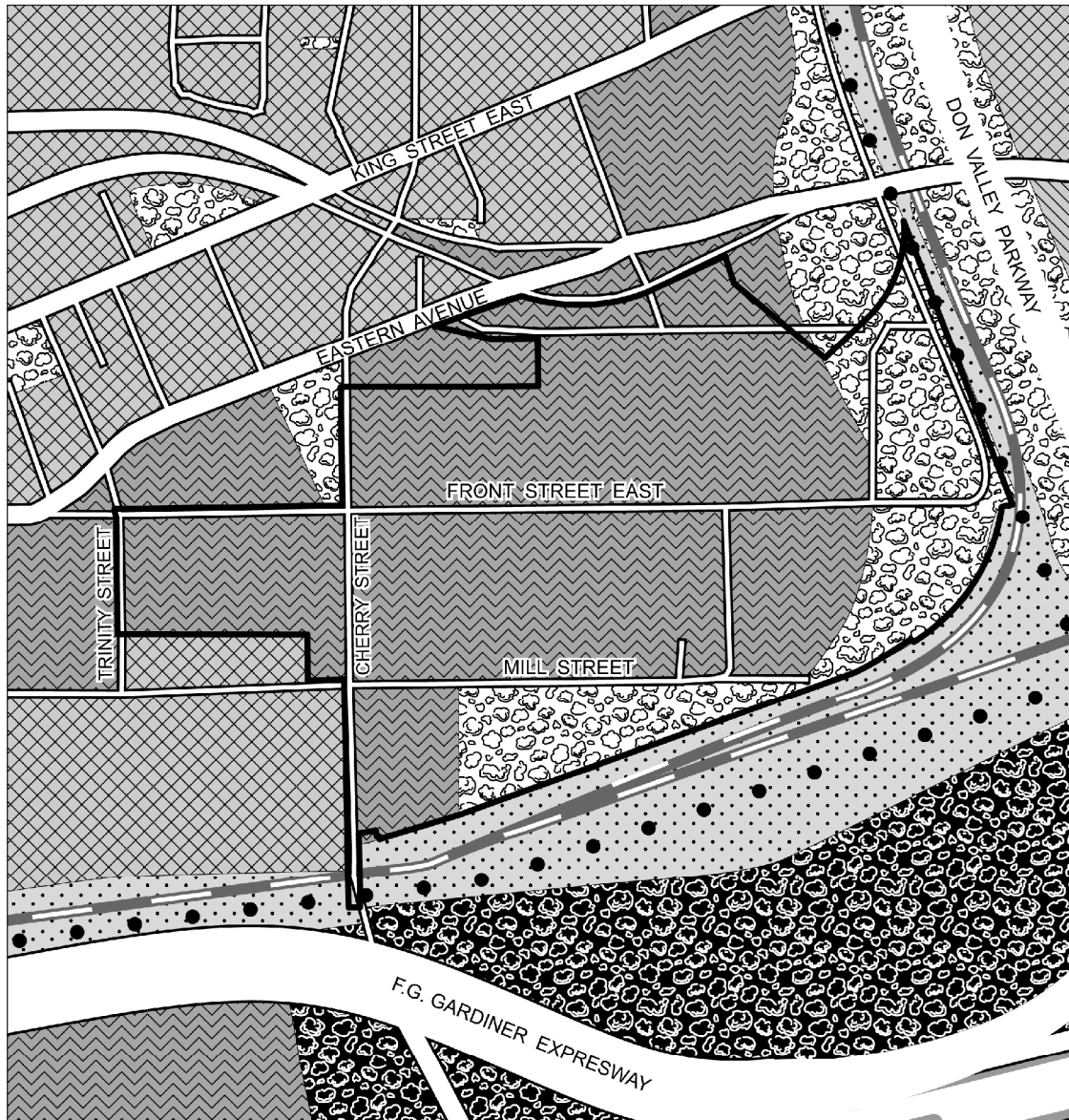
475 Front Street East

File # 12 162077 0Z

- Area of Proposed Temporary Use By-law
- RA Mixed-Use District
- (h) Holding District

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05/18/2012

Attachment 2: Official Plan



Toronto City Planning
Official Plan

475 Front Street East

File # 12 162077 02



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04/17/2012

Attachment 3: Draft Phase I Temporary Use By-law

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend former City of Toronto Zoning By-law No. 438-86, as amended,
to authorize the temporary use of land, buildings or structures
with respect to the lands known municipally in the year 2012 as the *West Don Lands***

WHEREAS authority is given to Council by Section 34 and Section 39 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to authorize the temporary use of land, buildings or structures which otherwise is prohibited; 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*; and

WHEREAS the Province of Ontario, the Greater Golden Horseshoe and the City of Toronto are hosting the 2015 Pan American and Parapan American Games and the Athlete's Village will be located within the *West Don Lands*;

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

1. None of the provisions of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the use of land in the shaded areas of the *West Don Lands* as designated on Map A, in order to conduct and host the 2015 Pan American and Parapan American Games, including such accessory uses that provide support to the 2015 Pan American and Parapan American Games. Without limiting the generality of the foregoing, these uses may include athletic residences, athletic fields, public gathering places, facilities for the storage and equipment for sporting events, medical facilities, polyclinics, media facilities, large-scale cafeterias and associated food preparation facilities, *dry-cleaning shops* in which the total capacity of all machines may exceed 55 kilograms, *laundry shops* in which the total portion of the *non-residential gross floor area* used for *laundry shop* purposes may exceed 250 square metres, standalone shower and change room facilities, bus depots, transportation malls, surveillance and security facilities and control centres.

2. The provisions of this By-law shall apply to the lands shown on the attached Schedule '1' for a temporary three year period commencing from the date of the passage of this By-law.
3. This By-law was passed on ~ [CITY CLERK'S TO INSERT DATE].

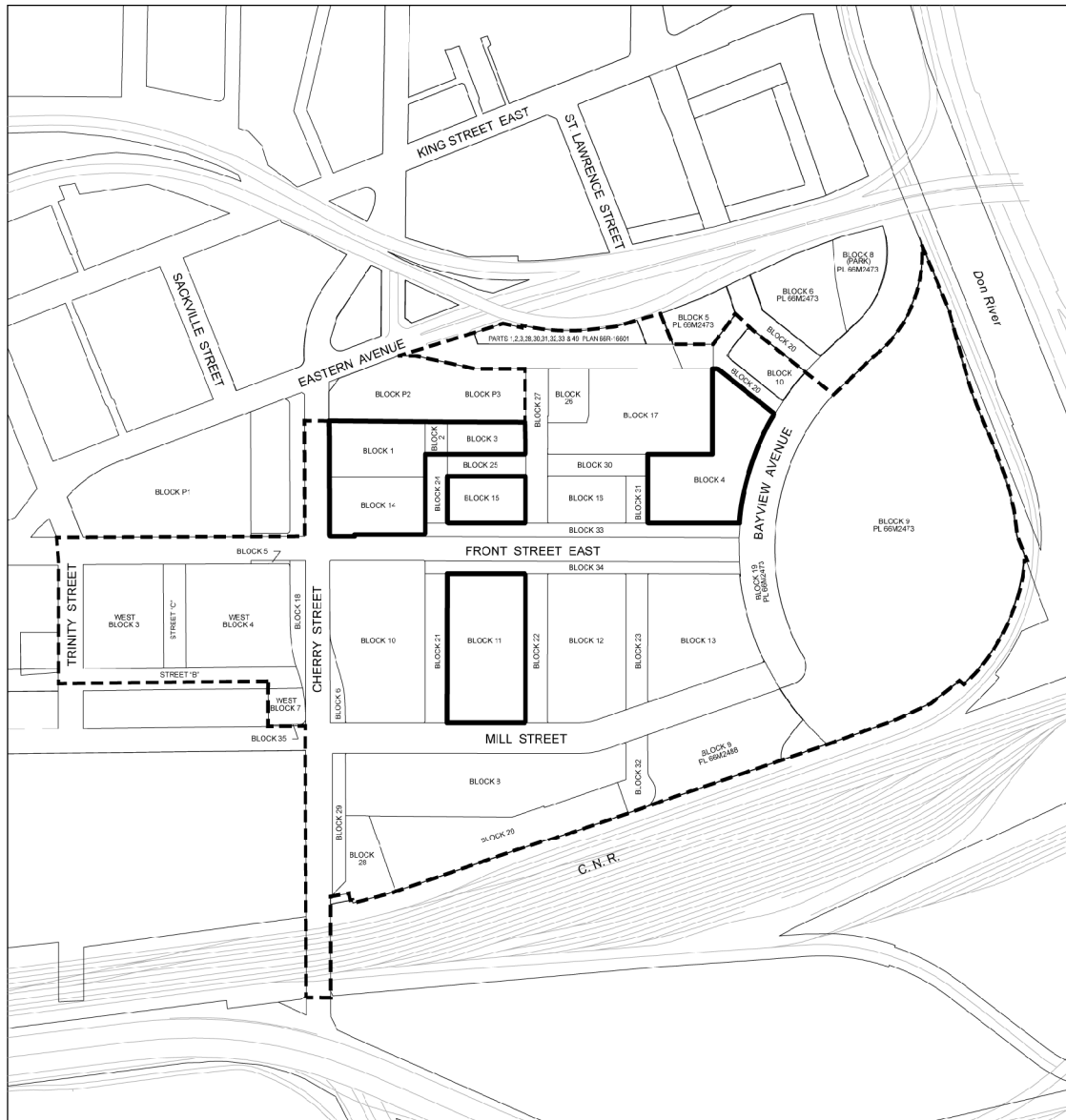
ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)



SCHEDULE '1'



Lands Subject to Temporary Use By-law: Phase I

475 Front Street East

File # 12 162077 0Z

-  Area of Proposed Pan Am Games Athletes' Village
-  Lands Subject to Phase I Temporary Use By-law



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09/21/2012

Attachment 4: Draft Phase II Temporary Use By-law

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

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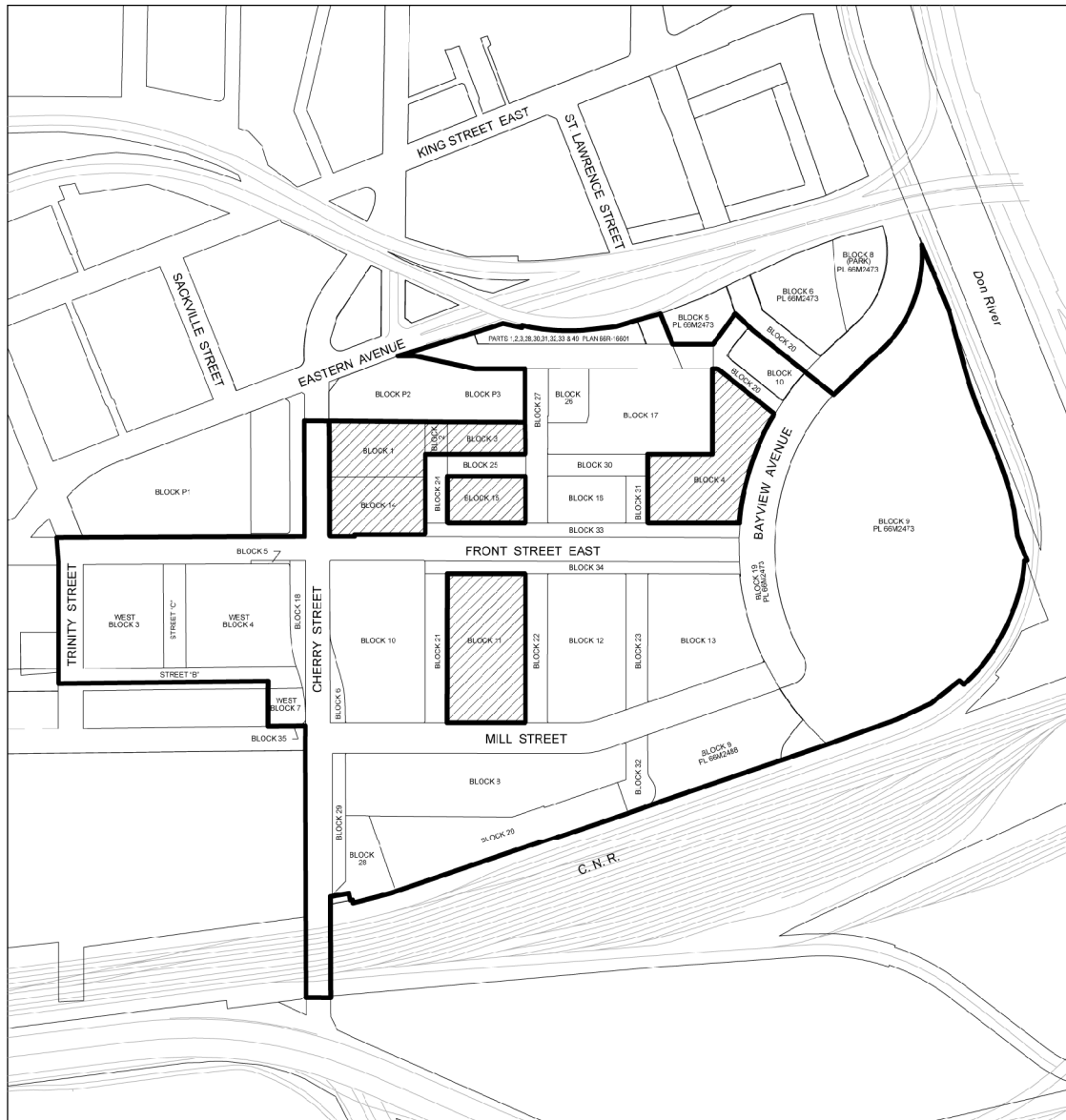
ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE '1'





TORONTO City Planning

Lands Subject to Temporary Use By-law: Phase II

475 Front Street East

File # 12 162077 02

-  Lands Subject to Phase II Temporary Use By-law
-  Lands Excluded from Phase II Temporary Use By-law



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09/21/2012