

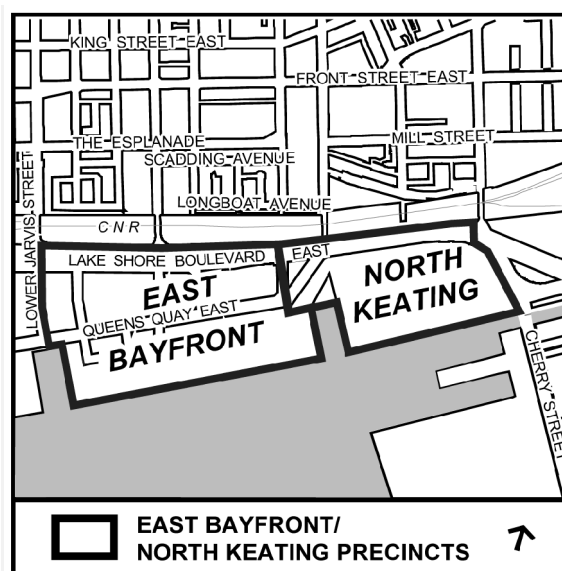
Central Waterfront Secondary Plan, East Bayfront and North Keating Appeals

Date:	October 24, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward Nos. 14, 18, 19, 20, 28, 30 & 32
Reference Number:	File No. 13-254013 SPS 00 TM

SUMMARY

The City of Toronto passed the Central Waterfront Secondary Plan in April 2003 and subsequently zoning by-laws for the East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010). Within these two precincts there are a total of 6 private land owner appellants to the Central Waterfront Secondary Plan and area specific By-laws. After several years of discussions and several pre-hearing conferences, the Ontario Municipal Board (OMB) has set aside 12 weeks of time for hearings on these appeals starting on March 31, 2014. City and Waterfront Toronto representatives have initiated negotiations with the appellants to find mutually acceptable solutions for both the appellants and the City. It is hoped that through this process, solutions will be found that will be considered to be fair and transparent and meet the intent of the Central Waterfront Secondary Plan and the Precinct Plans.

The negotiation process is exceptionally labour intensive to prepare material for settlement review and to hold discussions with the appellants. These discussions commenced in earnest in September and are expected to continue until at least the end of December 2013. If negotiations have progressed sufficiently, a public meeting will be held in early 2014 to present the findings of this process to the



public and other parties having an interest in the appeal process and to secure support for the outcomes of the negotiations. A Directions Report will be prepared early in 2014 following the public meeting. The Directions Report would seek Council authority to advise the OMB of the City's position on the necessary changes to the Central Waterfront Secondary Plan and area zoning by-laws necessary to conclude any settlements of these site specific appeals. The Directions Report is expected to provide Council with confidential details pertaining to the ongoing discussions and to request support for the resolution of this process based on the matters currently being discussed with the appellants.

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

Since the adoption the Central Waterfront Secondary Plan (CWSP) in April 2003 and the implementing zoning by-laws for the East Bayfront and North Keating Precincts, approximately 20 appellants filed objections with the Ontario Municipal Board. Within the 2 precincts, there are 6 private landowners appellants, as well as community members who are parties or appellants to the hearing. Each of these land owners has raised a variety of concerns respecting their development options, as well as the requirement to assist with the provision of Affordable Rental Housing and other matters. Additional concerns to be resolved include building height, massing and tower location, and how to accommodate sensitive land uses in close proximity to the Redpath facility.

Currently, OMB hearings on these appeals are scheduled to begin at the end of March 2014 and are scheduled to run for 12 weeks. In an attempt to resolve issues, both City and Waterfront Toronto staff have initiated a series of meetings with the appellants to find reasonable grounds for settlement or scoping of the hearing. The premise is that the results of settlement should be applied in a fair manner for all the appellants, that the conclusions to the settlement process will be made public, and that the major principles defined in the Secondary Plan and the Precinct Plans will be followed as closely as possible. If the current settlement negotiations are successful a report will be prepared for Council outlining the details of any proposed settlements and seeking direction to allow staff to attend the Ontario Municipal Board hearing currently scheduled to commence on March 31, 2014, for resolution.

Each appeal is specific to the site in question and relates to individual development proposals of the various property owners. The appeals include matters related to height, density, public and private open space provisions, setbacks and the defined requirement to assist in the provision of Affordable Rental Housing and other matters.

Site and Surrounding Area

The East Bayfront and North Keating Precincts stretch east from the foot of Jarvis Street to Cherry Street and generally between the water's edge north to Lake Shore Boulevard East. Approximately half of these lands are privately owned with the balance being in City or Waterfront Toronto's control. Waterfront Toronto has made significant

infrastructure and public realm improvements in these precincts including the construction of Sugar Beach and Sherbourne Common, while major new development has already taken place on these lands including the construction of the Corus Entertainment Building and George Brown College. Further infrastructure improvements will be required to allow for the significant levels of development currently proposed and it is anticipated that some of these costs will be borne directly by the land owners within these precincts.

Official Plan

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

Zoning By-laws

The development opportunities defined by the East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010) by-laws currently offer significant development benefits to the landowners by permitting opportunities for mixed-use buildings complemented by generous public and private open space, public access to the water's edge and a redeveloped Queens Quay East with generous sidewalks, cycling routes and public transit. The original zoning for these lands allowed for industrial and limited retail uses. Through a proactive planning process and rezoning, significant residential permissions have been created where none existed previously and will provide considerable land value benefit to the private land owners in this area.

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

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

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

COMMENTS

Affordable Rental Housing Review

The Precinct Plans and their related Affordable Housing Strategies set out the principle that both the public and private lands would be responsible for meeting the affordable housing requirements. Thus, in combination with specified infrastructure contributions, the Zoning By-laws clearly identify the affordable housing requirements as Section 37 obligations for any residential development in East Bayfront and North Keating. The public land owners (The Province of Ontario in the West Don Lands, and the City and Waterfront Toronto in all precincts) are meeting the 20% affordable rental requirement, and have entered into Affordable Housing Delivery Agreements to guide their implementation.

The discussions with the private landowners are focused on finding common ground for a settlement that meets the basic principle of creating new communities that meet the housing needs of the City's residents with a mix of tenures, affordability and housing types. Since these private lands comprise almost half of the lands in the two precincts, it will not be possible to achieve the affordable housing and mixed tenure community objective throughout all the areas in accordance with the policies of the Official Plan unless they contribute their share of affordable rental housing.

Therefore, the City is requiring the appellants assist in providing a reasonable contribution through the tools provided in the Zoning By-laws. These affordable housing requirements are consistent with the City's Official Plan affordable housing provisions that apply outside the Central Waterfront Secondary Plan area for new neighbourhoods, and large sites of at least 5 hectares. To this end, the City and Waterfront Toronto have initiated discussions with the appellants to find a fair level of contribution to achieve this policy.

Built Form Review

With one exception, the appellants have submitted proposals outlining their development concepts and the details of their issues with the approved by-laws. The appellants' proposals have generally provided building envelopes for significantly taller buildings with less spacing between the towers than was originally envisioned in the City's Zoning By-laws. The rationale for the by-laws as enacted was based on Precinct Plans which recommended open spaces, tower heights and building locations based on a combination of well defined environmental and architectural principles. Therefore, variances to the existing by-law regime will require significant review of the appellants plans and work to provide alternative proposals consistent with the original principles while also responding to the appellants concerns.

Negotiations

Negotiating teams from the City and Waterfront Toronto are currently carrying on with this negotiation process and will report back to senior staff on the terms of any proposed settlement and the results of their discussions. This process is ongoing at this time and it will be necessary to finish this work very early in 2014 to be able to report back to City Council prior to commencement of the OMB hearing at the end of March. It is also important to conclude these discussions by early January so as not to conflict with extensive preparation work that will be required in advance of the OMB hearing.

CONTACT

Angus M. Cranston, Project Manager
Telephone No. 416-392-0759
E-mail: acransto@toronto.ca

SIGNATURE

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

(P:\2013\Cluster B\pln\TEYCC\28652536049.doc) - smc