



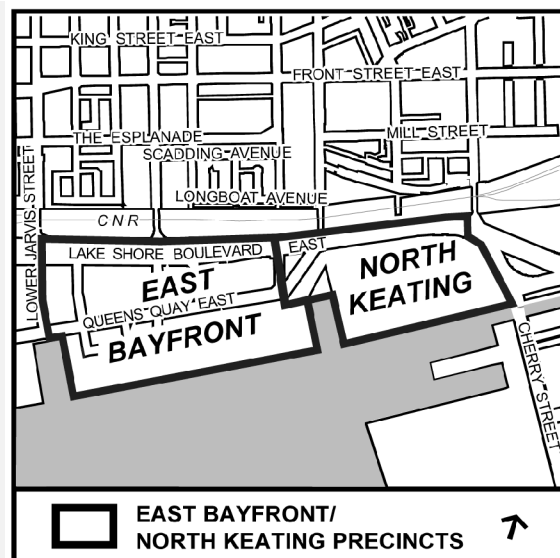
**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

Central Waterfront Secondary Plan – Request for Directions – Supplementary Report

Date:	June 9, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District and City Solicitor
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.
Wards:	Ward 28 – South District
Reference Number:	14-161817 SPS 00 OZ

SUMMARY

The City of Toronto passed the Central Waterfront Secondary Plan (CWSP) in April 2003 and subsequently zoning by-laws for East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010). Owners of six of the private development sites in the two precincts have filed appeals to the Central Waterfront Secondary Plan and the area specific By-laws. After several years of discussions and several pre-hearing conferences, the Ontario Municipal Board has set time for hearings on four of these appeals starting November 17, 2014, for a period of four weeks, and a further period of six weeks commencing January 5, 2015. City and Waterfront Toronto representatives have conducted lengthy ongoing negotiations with the appellants in an effort to find mutually acceptable solutions for both the appellants and the City. In a report adopted by Council on May 6, 7 and 8, 2014 the City provided



authority to allow for the settlement of appeals on 3 sites at Lower Jarvis Street and Queens Quay East.

This report outlines the nature of the second round of proposed settlement discussions and seeks City Council authority to settle the appeals based on the conclusions and recommendations set out in the Confidential Attachment.

This negotiation process has been an exceptionally labour intensive exercise, but has resulted in the Ontario Municipal Board approving the most recent settlements on June 2, 2014. This report outlines the overall issues and requests in a confidential attachment, direction from Council to resolve the remaining appeals within the East Bayfront and Keating Precincts at the Ontario Municipal Board.

RECOMMENDATIONS

The City Planning Division and the City Solicitor recommend that:

1. City Council adopt the confidential instructions to staff in Attachment 2 of this report.
2. If adopted, the Recommendations in Attachment 2 and associated maps be released when settlement is achieved, with the balance of Attachment 2 to remain confidential.

Financial Impact

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

DECISION HISTORY

Since the adoption the Central Waterfront Secondary Plan in April 2003 and the implementing Zoning By-laws for the East Bayfront and North Keating Precincts in 2006 and 2010 respectively, approximately 20 owners filed appeals to the Ontario Municipal Board. Within these two precincts, there are six private land owner/developer appellants, as well as community members who are parties or appellants to the hearing. Each land owner/developer appellant has raised a variety of concerns respecting their development options, as well as the requirement to provide Affordable Rental Housing and other matters. Staff has reported on settlement discussions for sites in East Bayfront which resolved issues on building height, massing and tower location, park or open space dedication, provision of Affordable Rental Housing and how to accommodate sensitive land uses in close proximity to the Redpath facility. This was the subject of an “Information Report” in November 2013.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.41> A further report requesting direction was dated February 5, 2014

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-66797.pdf> and was updated in another report dated May 5, 2014

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-69146.pdf> .

Currently, OMB hearings on the four remaining appeals within East Bayfront and the Keating Precincts are scheduled to begin in November 2014 running through January and February 2015. In an attempt to resolve the appeals, both City and Waterfront Toronto staff have continued a series of meetings with the appellants to find reasonable grounds for settlement or scoping of the hearings.

ISSUE BACKGROUND

City and Waterfront Toronto staff representatives have been working to find resolution to the appeals lodged after the adoption of the CWSP in April 2003 and the implementing zoning by-laws for the East Bayfront and North Keating Precincts in 2006 and 2010 respectively. The negotiating team has worked diligently over the last several months in an attempt to resolve the issues raised in the appeals. The first segment of the scheduled hearings focused on the East Bayfront precinct and resulted in the Board approving the first of the most recent round of settlements on June 2, 2014. The emphasis in the outstanding work has shifted to the issues raised by the balance of the land owners. Each of these four land owners has raised a variety of concerns respecting their particular development proposals, including building height, massing and tower location, as well as the standards for the provision of Affordable Rental Housing, issues related to nearby adjacent City owned lands and matters related to the location of sensitive land uses in proximity to the Redpath Sugar refinery.

The settlement negotiations are currently at a point where staff requires Council's direction to proceed to the Ontario Municipal Board to secure further settlements during the remaining time set aside for the next round of hearings scheduled to commence in November, 2014. For greater clarity in the location of the appellants sites please see Map 1 (attached).

Site and Surrounding Area

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

Official Plan

The Central Waterfront Secondary Plan (adopted in April of 2003) recognizes the value of infrastructure improvements that were being provided in the Central Waterfront by the various governments and defined a set of four core principles, being: (A) Removing Barriers/Making Connections, (B) Building a Network of Spectacular Waterfront Parks and Public Spaces, (C) Promoting a Clean and Green Environment, and (D) Creating

Dynamic and Diverse New Communities. These broad principles are further addressed in the Precinct Plans, and the Zoning By-laws for these areas reflect the development envisioned by the Precinct Plans. The CWSP particularly addressed the goal of providing 25% of the residential development within the Waterfront as Affordable Rental housing and Low-End of Market housing.

Zoning By-laws

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

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

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

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

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 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 is 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.

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 for the Greater Golden Horseshoe.

COMMENTS

This report seeks Council's direction with respect to appeals on the lands at 215 Lake Shore Boulevard East and 178 – 180 Queens Quay East (FedEx – site B), 307 Lake Shore Boulevard East, 351 – 369 Lake Shore Boulevard East (Silo – site C) and 429 Lake Shore Boulevard East and 324 Cherry Street (3C – site D) and 307 Lake Shore Boulevard East (Hauptert – site F) all as shown on Map 1 attached and as related to such matters as City-owned lands, built form and provision of the *affordable rental housing*. The attached Confidential Report sets out in more detail the matters related to these appeals.

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SIGNATURE

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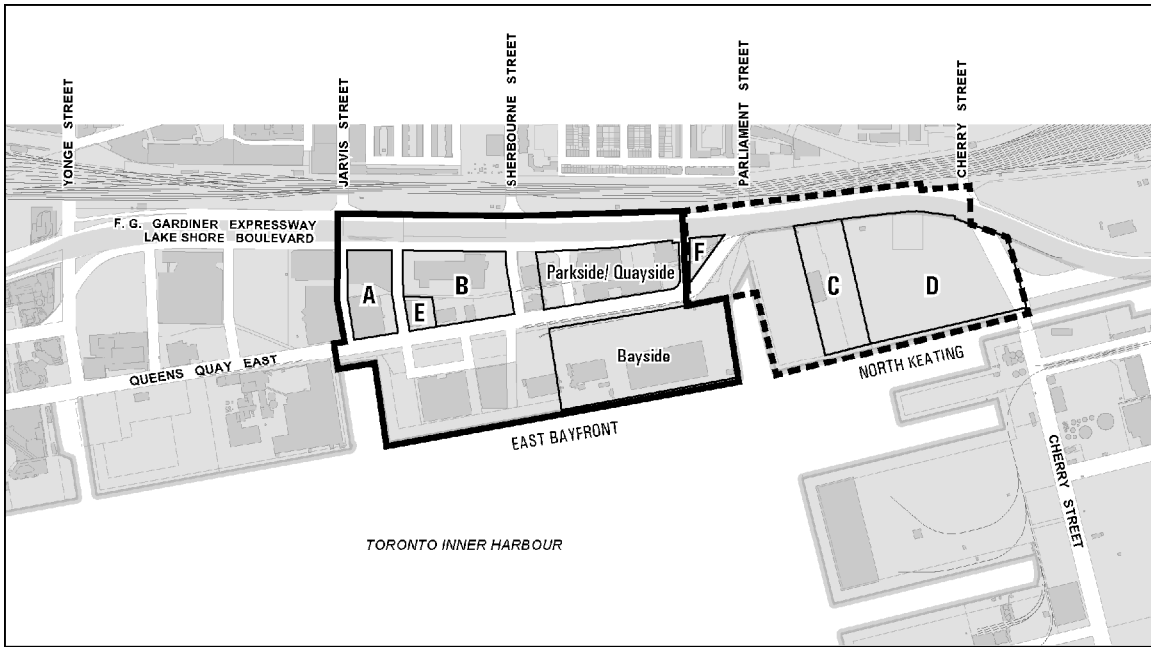
Anna Kinastowski
City Solicitor

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ATTACHMENTS

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

Map 1 - Central Waterfront OMB Appealed Sites



East Bayfront and North Keating Precincts

Map 1 - Central Waterfront OMB Appealed Sites

File # 13 254013 SPS 00 TM

-  EAST BAYFRONT
-  NORTH KEATING

- A** Kintork / Nuko (Daniels)
- B** Fedex 1147380 and 161774 Ontario Limited
- C** Silo / Castan Marland III
- D** 3C Lakeshore Inc.
- E** 162 Queens Quay Inc.
- F** Hauptert (Lake Shore Boulevard East)

