12 Bonnycastle Street – Application to remove the Holding Symbol from the Zoning By-law – Final Report

Date: May 26, 2014
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 28 – Toronto Centre-Rosedale
Reference Number: 11-294755 STE 28 OZ

SUMMARY

This application proposes to remove the Holding Symbol (h) from 12 Bonnycastle Street, in the area known as "Parkside" in the East Bayfront, for lands that are being redeveloped as a mixed-use condominium.

A Zoning by-law amendment application was filed by Waterfront Toronto to remove the holding symbol ("h"), on the lands bounded by Bonnycastle, Queens Quay East, Sherbourne Common North park and Lake Shore Boulevard.

The City and Waterfront Toronto are in the process of finalizing a Section 37 Agreement to secure the required matters. Zoning By-law 1049-2006, as amended, also requires that the lands be removed from the Lower Don Special Policy Area. The TRCA has deemed the flood protection landform to be complete and functional, and City is in the process of obtaining approval from the Province to remove lands from the Lower Don Special Policy Area.

When approval to remove the Parkside lands from the SPA and Section 37 Agreement is executed, Waterfront Toronto will have satisfied the conditions of removing the Holding Symbol from the Zoning by-law.
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1049-2006 within 12 Bonnycastle (Parkside), substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report (May 26, 2014) from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bill to City Council for enactment, City Council require that the Section 37 Agreement has been executed and the City has received approval from the Province to remove the lands from the Lower Don Special Policy Area.

4. In accordance with Zoning By-law 1049-2006, City Council request the City Solicitor forward to Redpath Sugar Ltd. a copy of the Section 37 Agreement within 10 days of the execution of the agreement.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
The Central Waterfront Secondary Plan was passed as Official Plan Amendment No. 257 by City Council on April 16, 2003.

The East Bayfront Precinct Plan was endorsed by City Council on December 7, 2005. The purpose of the Precinct Plan is to provide a framework to implement development principles and guidelines from the Central Waterfront Secondary Plan. At the same time, Council directed that prior to entering into any zoning approvals to permit residential development in the East Bayfront, the City enter into a binding agreement with Waterfront Toronto to secure the provisions of the East Bayfront Affordable Housing Delivery Strategy which includes the requirement that not less than 20% of the new units to be affordable rental housing.

The Zoning By-law amendment for East Bayfront (By-law No. 1049-2006) was enacted by City Council on September 26, 2006. The final report on the zoning by-law amendment is available on the City’s website at:
http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/te7rpt/cl017.pdf

At its meeting of November 30th, 2009, City Council approved the sale of the City-owned Parkside lands to Great Gulf (Downtown Properties) Ltd, selected by Waterfront Toronto through a competitive bidding process. The staff report is on the City's website at:

At its meeting on October 30, 2012, City Council approved amendments to the City of Toronto Official Plan to remove the lands identified as the "Downtown Spill Zone", from the Lower Don Special Policy Area and to submit the Official Plan Amendment (OPA) 394 to the Province for
approval. The staff report can be seen on the City’s website at:

On November 1, 2012, the TRCA sent a letter to the City confirming that the Flood Protection landform (FPL) was completed "to a level of substantive structural completion" and functionally provides flood protection to the Regulatory Flood level.

The City and Waterfront Toronto executed the East Bayfront Affordable Housing Delivery Agreement on March 19, 2013 that has provisions for the public sector's commitment to provide affordable rental housing in the East Bayfront.

ISSUE BACKGROUND

Proposal
This application proposes to remove the Holding Symbol (h) from the East Bayfront – West Precinct Zoning By-law No. 1049-2006 for the lands that are located at 12 Bonnycastle.

Site and Surrounding Area
The site is located within the East Bayfront area on the north side of Queens Quay East. The lands are bounded by Queens Quay East to the south, Sherbourne Common North to the west, Bonnycastle Street to the east and Lake Shore Boulevard to the north. The site is 0.39 hectare (0.96 acre) in size with frontage directly facing Sherbourne Common Park to the west and southwest of the site. The site is currently vacant.

Surrounding uses include:

North: Lake Shore Boulevard is directly north of the site along with the Gardiner Expressway and the railway corridor. Further north is the St. Lawrence Neighbourhood.

South: Directly south of the site is Queens Quay East. South of Queens Quay East is the site of the proposed Bayside development that is a mixed-use area containing commercial, residential and park uses. The southern portion of Sherbourne Common is located to the southwest.

East: Bonnycastle Street is located to the east of the site. The future Quayside precinct is located east of Bonnycastle.

West: Sherbourne Common Park is located directly west of the site.

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.

**Official Plan**

The site is situated in the Central Waterfront Secondary Plan Area. The City of Toronto Official Plan currently excludes the Central Waterfront Secondary Plan that was adopted by Council in 2003 as an amendment to the former City of Toronto Official Plan.

The Central Waterfront Secondary Plan is a strategy for waterfront renewal built on four core principles:

A. Removing Barriers/Making Connections  
B. Building a Network of Spectacular Waterfront Parks and Open Spaces  
C. Promoting a Clean and Green Environment  
D. Creating Dynamic and Diverse New Communities

The Secondary Plan includes a series of initiatives or “Big Moves” intended along with implementing policies to promote waterfront renewal.

The Central Waterfront Secondary Plan designates the lands at 12 Bonnycastle Regeneration Areas. A broad mix of commercial, residential, industrial, parks and open space, and institutional uses are permitted in Regeneration Areas.

Policy 2.6 of the Central Waterfront Secondary Plan (CWSP) provides direction with respect to the use of the Holding Symbol "h" pursuant to sections 34 and 36 of the Planning Act. The policy contemplates a variety of conditions for the removal of the Holding Symbol from zoning by-laws to be completed or secured through appropriate legal agreements pursuant to the Planning Act or City of Toronto Act. Policy 2.6.1 (CWSP) specifically addresses the use of the Holding Symbol in the East Bayfront to prevent undue adverse impacts between the Redpath lands and new land uses.

**Official Plan Amendment 394**

The Parkside Lands are located within the Lower Don Special Policy Area in lands known as the Downtown Spill Zone, an area generally west of the Don River, north of Keating Channel, south of Front Street and east of York Street.

The City and the Province are in the process of finalizing City-initiated OPA 394 to remove the area identified as the Downtown Spill Zone from the Lower Don Special Policy Area in both the former City of Toronto Official Plan and new Official Plan. A documentation package has been submitted to the Province for the Ministers' approval. Following the Ministers' approval, the amendment will be enacted by the City as OPA 394.

**Zoning**

The site is zoned Mixed-Use with a Holding Symbol (CR (h)) in Zoning By-law No. 1049-2006 (OMB). A wide range of residential, commercial, and retail uses are permitted in the CR zone.
While the holding symbol is in place, the uses on the property are limited to existing uses and CR uses within existing buildings or in a small addition to an existing building.

The holding zone provisions of the Zoning By-law include a number of conditions that are to be included in a Section 37 agreement including matters such as: public art, sustainability measures, relationship to the Redpath Sugar facility, affordable housing, and community facilities. These conditions must be satisfied and/or secured in an agreement or agreements pursuant to Section 37, 41, 51 and/or 53 of the Planning Act, as appropriate.

Site Plan Control
The site is subject to site plan control. A site plan control application is required for the site. In July 2013 a site plan control application was received for 12 Bonnycastle Street by Great Gulf Ltd. and is under review following a revised submission.

Reasons for Application
The application proposes to remove the Holding Symbol ("h") from the CR zones on the Parkside lands at 12 Bonnycastle Street. Development cannot proceed until the Holding Symbol is removed.

COMMENTS
The East Bayfront – West Precinct Zoning By-law No. 1049-2006 outlines requirements to lift the "h" including securing conditions through the execution and registration on title of an agreement or agreements pursuant to Section 37, 41 and/or 53 of the Planning Act, and the requirement that the lands be removed from the Lower Don Special Policy Area.

Section 37 Agreement
With the exception of removing the lands from the Lower Don Special Policy Area, all other requirements to remove the "h" are secured through the execution of a Section 37 Agreement between the City of Toronto and Waterfront Toronto, including conditions for: affordable housing, public art, noise/vibration/emission studies, mitigation measures and warning clauses.

Affordable Housing
The Section 37 Agreement will secure the provision that not less that 20% of the total number of residential units be new affordable rental housing. On March 19, 2013, the East Bayfront Affordable Housing Delivery Strategy was executed between the City and Waterfront Toronto, which sets out how the 20% affordable rental housing will be achieved in the East Bayfront. On lands that are the responsibility of Waterfront Toronto, the delivery of affordable rental housing is to be through the provision of land at no charge, sufficient to build 20% of the units as affordable rental. The affordable rental housing obligation for Parkside is being secured through the provision of land in Quayside, the adjacent precinct located east of the site.
Lower Don Special Policy Area
The TRCA has confirmed that the Flood Protection Landform has been "completed to a level of substantive structural completion and now provides functionally sound flood protection" to the Downtown Spill Zone. The risk of flooding in the Downtown Spill Zone has been eliminated and the City and the Province are in the process of finalizing city-initiated OPA 394 to remove the area identified as the Downtown Spill Zone from the Lower Don Special Policy Area in both the former City of Toronto Official Plan and new Official Plan. A documentation package has been submitted to the Province for the Ministers' approval. Following the Ministers' approval, the amendment will be enacted by the City as OPA 394.

The City and Waterfront Toronto are in agreement on substantive matters in the Section 37 Agreement for Parkside, and the agreement is anticipated to be executed in June of 2014. In addition, the TRCA has deemed the Flood Protection Landform to be completed to a level of substantive completion and provides functional protection. The City has submitted the request for the Province's approval to remove the lands from the Lower Don Special Policy Area. With these two matters in the process of being finalized, it is recommended that Parkside be allowed to proceed and that the City lift the "h" holding symbol.

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SIGNATURE

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

ATTACHMENTS
Attachment 1: Draft Zoning By-law Amendment
Attachment 1: Draft Zoning By-law Amendment

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 ~ Zoning By-law No. 1049-2006 with respect to the lands forming Part of Lot 12, Registered Plan 694E to remove the holding symbol (H) with respect to the lands known municipally in the year 2014 as 12 Bonnycastle Street.

WHEREAS authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law;

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

1. By-law No. 1049-2006 being "A by-law to amend By-law No. 438-86, the former City of Toronto Zoning By-law, as amended, is further amended by removing the holding symbol ("h") from the lands shown on the attached Schedule 'I'.

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

ROB FORD, ULLI S. WATKISS
Mayor City Clerk

(Corporate Seal)
SCHEDULE '1'

Area where 'h' is to be removed

12 Bonnycastle Street

File # 11 294755 STE 28 OZ

Not to Scale
05/27/2014