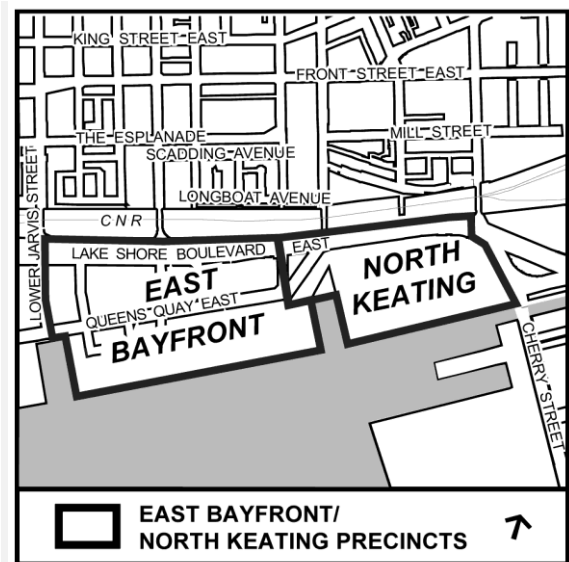


Gardiner Environmental Assessment - North Keating Precinct – Further Information for Consideration

Date:	June 1, 2015
To:	Toronto City Council
From:	John Livey, Acting City Manager Anna Kinastowski, City Solicitor
Wards:	Ward 28 – Toronto Centre – Rosedale Ward 30 – Toronto Danforth
Reason for Confidential Information	This report relates to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board.
Reference Number:	P:\2015\Cluster B\PLN\City Council\CC15082

SUMMARY

The City of Toronto adopted the Central Waterfront Secondary Plan (CWSP) in April 2003 and subsequently passed 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. To resolve these appeals, City staff have undertaken several years of discussions and pre-hearing conferences with the Ontario Municipal Board. Council has considered 6 reports on the negotiations to date. City staff and Waterfront Toronto representatives are currently concluding negotiations with the appellants on the outstanding sites in an effort to find mutually acceptable solutions for both the



appellants and the City. Staff currently intend to report to Council on the conclusions of these negotiations in the third quarter of 2015 to describe the results of the settlement discussions and to provide recommendations on the final resolution of outstanding issues, as well as to obtain authority for the settlement with the Ontario Municipal Board.

This report outlines the impact of the proposed Hybrid Option in the Gardiner Environmental Assessment on the ongoing resolution of the appeals by 3C lands in the North Keating Precinct.

RECOMMENDATIONS

The Acting City Manager and the City Solicitor recommend that:

1. City Council consider the confidential Attachment 2 to this report for information, and that Attachment 2 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 2 precincts, there are now 5 remaining private land owner/developer appellants, as well as community members who are parties or appellants to the appeals. 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 have resolved many of the issues on building heights, 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.

These reports can be itemized as follows:

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>

An updated in another report dated May 6, 7 and 8, 2014:

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

A further updated in the staff report of June 9, 2014:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.19>

A further Request for Directions Report (CC55.13) dated August 18, 2014:

<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-73022.pdf>

At the City Council meeting on August 25, 26, 27 and 28, staff was requested to report back to the December 11, 2014 City Council meeting. At its meeting on December 11, 2014, adopted the report from the City Solicitor dated December 3, 2014:
<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-73936.pdf>

COMMENTS

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 in an attempt to resolve the issues raised in the appeals. Each of these five land owners has raised a variety of concerns respecting their particular development proposals, including building heights, 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 should be able to conclude the negotiations within the near future. This will require Council's approval of the resolution package of amendments to the approved zoning by-laws and achieve Minutes of Settlement in order to conclude the appeal process at the Ontario Municipal Board in mid 2015.

For greater clarity in the location of the appellants lands with respect to issues related to the Gardiner Hybrid Option please see Map 1 (attached). This report is provided to City Council for information particularly with respect 429 Lake Shore Boulevard East and 324 Cherry Street (3C – site D) as shown on Map 1 attached. The attached Confidential Report sets out in more detail matters related to these appeals.

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SIGNATURE

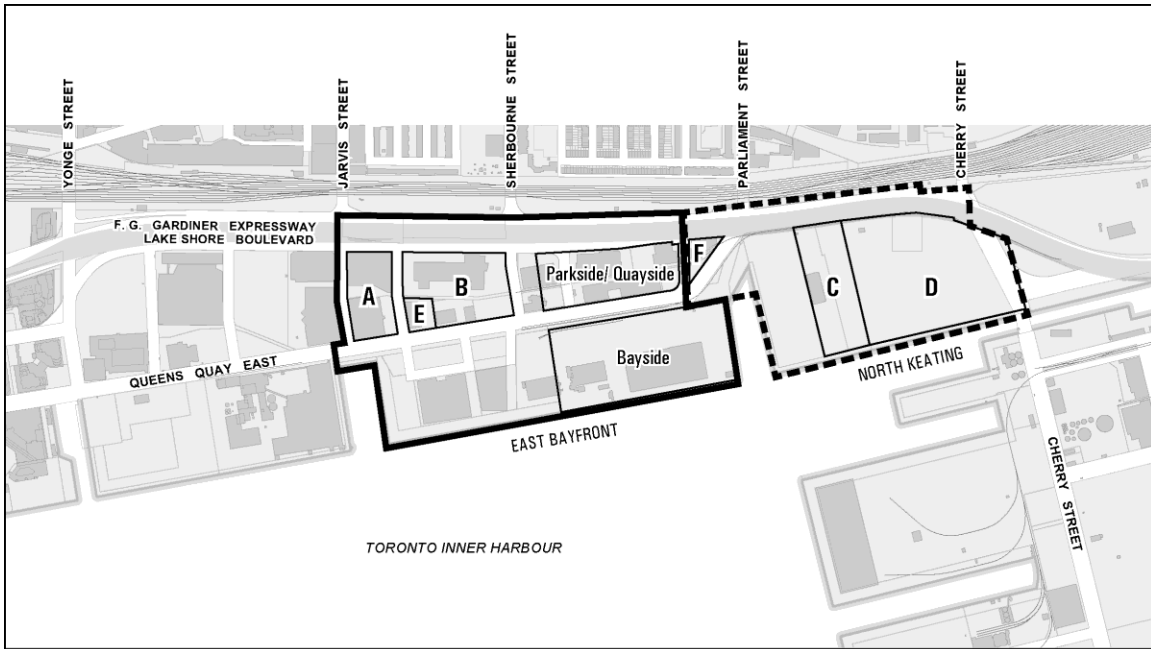
John Livey, FCIP
Acting City Manager

Anna Kinastowski
City Solicitor

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 1147390 and 161774 Ontario Limited
- C** Silo / Castan Marland III
- D** 3C Lakeshore Inc.
- E** 162 Queens Quay Inc.
- F** Hauptert (Lake Shore Boulevard East)

