

**125 and 155 Queens Quay East – Application to remove the Holding Symbol from the Zoning By-law – Final Report**

<b>Date:</b>	May 24, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	14-176036 STE 28 OZ

**SUMMARY**

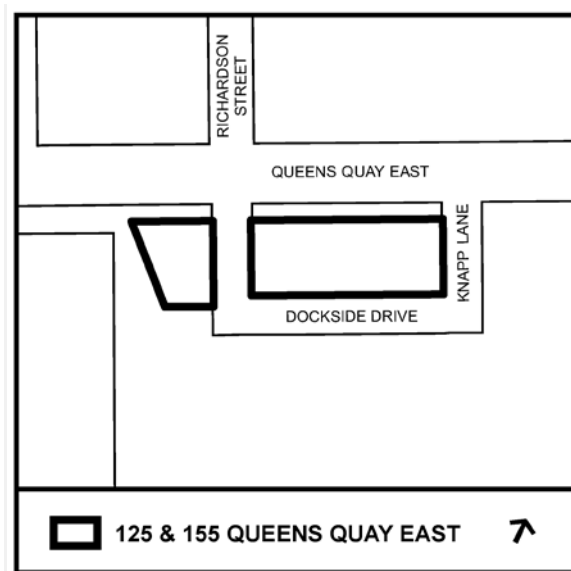
This application proposes to remove the Holding Symbol (h) from the East Bayfront – West Precinct Zoning By-law No. 1049-2006 for the lands known as Blocks 1 and 2 on Dockside Registered Plan 66M-2476 located at 125 and 155 Queens Quay East, which will be redeveloped with office development known as the Waterfront Innovation Centre.

The City and Waterfront Toronto are in agreement on all substantive matters and are in the process of finalizing a Section 37 Agreement to secure the required matters. When the Section 37 Agreement is executed, Waterfront Toronto will have satisfied the conditions of removing the Holding Symbol from the Zoning By-law for the lands prior to the issuance of any building permits.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law No. 1049-2006, for the lands within Blocks 1 and 2 on Dockside Registered Plan of Subdivision 66M-2476 (125 and 155



Queens Quay East), substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report May 24, 2016 from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such 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.
4. In accordance with Zoning By-law 1049-2006, City Council request the City Solicitor to 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 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>

The Central Waterfront Secondary Plan and East Bayfront Zoning By-law were appealed to the Ontario Municipal Board (OMB). The OMB approved the Central Waterfront Secondary Plan and Zoning By-law amendment with modifications for portions of the Central Waterfront including East Bayfront south of Queens Quay East in November 2007.

### **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 located at 125 and 155 Queens Quay East.

#### **Site and Surrounding Area**

The site is located within the East Bayfront area on the south side of Queens Quay East. It is bounded by Queens Quay East to the north, Dockside Drive to the south, Jarvis Street slip to the west and Knapp Lane to the east. The two blocks have a combined area of approximately 4.95 hectares in area. The 125 Queens Quay East property is currently vacant and the 155 Queens Quay East property is currently a surface commercial parking lot. The site is the location of the future Waterfront Innovation Centre development which will be a facility committed to innovation and collaboration, particularly through the use of advanced and sustainable technology. The Innovation Centre will build on the investment in the Waterfront of Canada's first open-access, ultra-high-speed broadband network. Surrounding uses include:

North: The site of the proposed Daniels development that will include a 13-storey commercial building on the north side of Queen Quay East and a 45-storey residential building further north along Lake Shore Boulevard East.

South: The 8-storey Corus building and Toronto Harbour are located on the south side of Dockside Drive.

East: A vacant property on the east side of Knapp Lane that will be a future development site.

West: Sugar Beach and Jarvis Street Slip.

## **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, by the *Planning Act*, 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, by the *Planning Act*, to conform, or not conflict, as the case may be, 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 Central Waterfront Secondary Plan designates the lands at 125 and 155 Queens Quay East *Regeneration Areas*. A broad mix of commercial, residential, industrial, parks and open space, and institutional uses are permitted in *Regeneration Areas*. The Secondary Plan requires high quality design on development sites adjacent to the water's edge promenade, that views of the water be protected, and that buildings be of low to moderate scale. The Central Waterfront

Secondary Plan is in-force for portions of the Central Waterfront, including Dockside (OMB Decision 2007).

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.

## **Zoning**

The site is zoned Mixed-Use with a Holding Symbol (CR (h)) in Zoning By-law No. 438-86. A wide range of residential, commercial, retail and institutional 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 and studies and information required due to the relationship to the Redpath Sugar facility. 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. Site plan control applications will be required for the future development of the blocks.

## **Reasons for Application**

The application proposes to remove the Holding Symbol ("h") from the CR zones for Dockside Blocks 1 and 2 within East Bayfront. Development cannot proceed until the Holding Symbol is removed. Waterfront Toronto has a procurement process underway for the development of the properties. The authority for the removal of the Holding Symbol is timely as it will facilitate the future development of the site, once a Site Plan Approval Application and minor zoning amendments have been submitted and addressed.

## **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*. All of the conditions are secured through the execution of a Section 37 Agreement between the City of Toronto and Waterfront Toronto, including conditions for: noise/vibration/emissions studies, mitigation measures and warning clauses and public art. With the submission of a complete Site Plan Approval Application in the near future, the requirements respecting the submission of the necessary studies will be satisfied. The Section 37 agreement to secure the requirement for the submission is anticipated to be executed in the summer of 2016.

## **Public Art**

Toronto's waterfront planning places a strong emphasis on the quality of the public realm. The implementation of a successful public art program connects people to the waterfront and plays an important role in making these new waterfront communities extraordinary destinations. The Central Waterfront Secondary Plan outlines public realm policies to include a coordinated Central Waterfront public art program for public and private developments.

The Section 37 Agreement includes provisions to secure public art that satisfy the intent of the City's Percent for Public Art Program, including the public art contribution of a value not less than 1% of the gross construction costs of all buildings and structures, and sets out a process for implementation. Waterfront Toronto completed the East Bayfront Public Art Master Plan that was adopted by City Council on December 9, 2015. The objective of the East Bayfront Public Art Master Plan is that Waterfront Toronto is the lead in implementing private development public art contributions throughout the public realm.

## **Conclusion**

As a condition of removing the Holding Symbol "h", the East Bayfront – Dockside Blocks 1 and 2, Zoning By-law No. 1049-2006 requires that a number of matters are secured before the "h" is lifted. A Section 37 agreement is being executed to ensure that specific matters are secured including: the public art contribution, sustainable development measures and the provision of various studies and implementation measures to the satisfaction of the City.

The City and Waterfront Toronto are in agreement on all substantive matters in the Section 37 Agreement for Dockside Blocks 1 and 2. Following the execution of the Section 37 Agreement, it is recommended that Dockside Blocks 1 and 2 be allowed to proceed and that the City lift the "h" holding symbol.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

**Attachment 1: Draft 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 Zoning By-law No. 1049-2006, to remove the holding symbol (h)  
with respect to the lands forming Blocks 1 and 2 on  
Dockside Registered Plan of Subdivision 66M-2476  
known municipally in the year 2015  
as 125 and 155 Queens Quay East.**

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 as shown on the attached Schedule '1'.

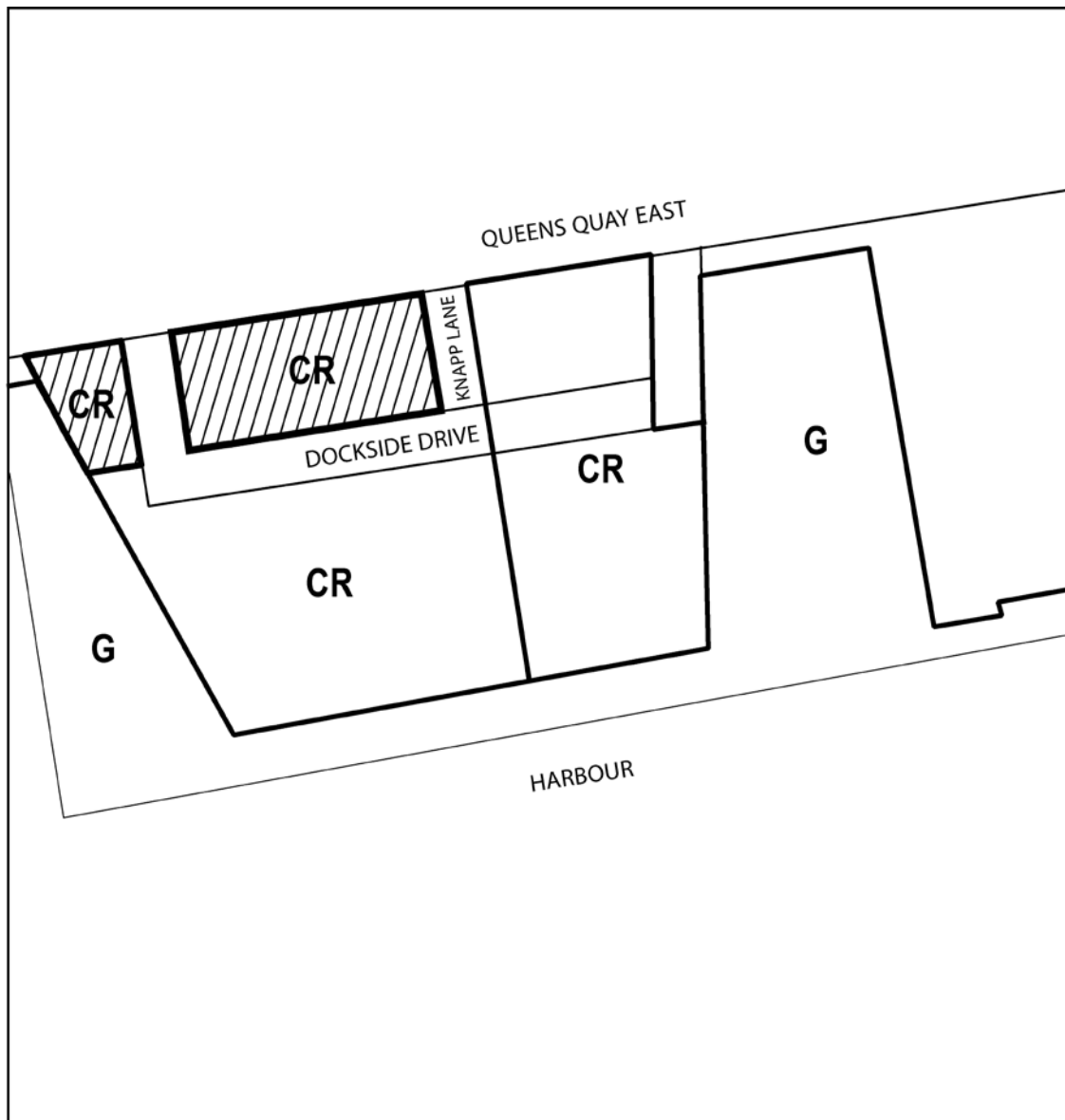
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE '1'**



125 & 155 Queens Quay East

Map 1 - Area where "H" is to be removed

File # 14 176036 STE 28 0Z

 Area where 'H' is to be removed



Not to Scale  
05/19/2016