

City Council

Motion without Notice

MM34.40	ACTION			Ward:28
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Central Waterfront Secondary Plan and Related Ontario Municipal Board Appeals - East Bayfront - by Councillor Lucy Troisi, seconded by Councillor Joe Mihevc

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Lucy Troisi, seconded by Councillor Joe Mihevc, recommends that:

1. City Council classify the FedEx lands within the East Bayfront, known municipally as 215 Lake Shore Boulevard East and 178-180 Queens Quay East, and as identified on the map attached to this Motion, as a Class 4 area pursuant to Ministry of Environment and Climate Change Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300, August, 2013, and City Council direct the Chief Planner and Executive Director, City Planning, or designate, to provide a copy of this Item to the Ministry of Environment and Climate Change, and other property owners as deemed appropriate.

Summary

The City of Toronto passed the Central Waterfront Secondary Plan in April 2003, and subsequently, enacted a zoning by-law for East Bayfront (By-law 1049-2006). The owners of 215 Lake Shore Boulevard East and 178-180 Queens Quay East (known as the "FedEx Lands") appealed these documents to the Ontario Municipal Board. At its meeting on February 3, 2016, City Council adopted the report (January 28, 2016) from the City Solicitor, (Item CC12.13, Central Waterfront Secondary Plan – Further Request for Directions report), thereby approving recommendations that provided final direction regarding terms of settlement including built form, affordable rental housing, diversity of unit size, public art and the resolution of real estate issues. Land use compatibility was not addressed in the Minutes of Settlement, as these issues were the subject of separate negotiation between the landowners, Redpath Sugar and the City.

With the exception of the FedEx Lands, the City has been able to settle all East Bayfront Central Waterfront Secondary Plan and Zoning By-law Ontario Municipal Board appeals using a specialized noise land use compatibility matrix developed by the Ministry of Environment and Climate Change in consultation with Redpath Sugar, the City and various appellants. As a result of this approach, there are a number of mixed-use residential buildings under construction in East Bayfront, as well as the completed George Brown College and the Corus

office buildings to the south of the subject site.

The noise land use compatibility matrix approach was used as the basis for the Class 4 designation within 2013 Publication NPC-300 (Ministry of Environment and Climate Change Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). NPC-300, approved in 2013, is Ontario's noise guidelines that address land use compatibility. The new Class 4 classification generally provides for an increase of up to 5 decibels at-receptor to permit industrial operational flexibility and additional at-receptor mitigation options when introducing new sensitive uses, including residential, near an existing industrial operation. This designation was introduced by Ministry of Environment and Climate Change specifically for areas such as East Bayfront which are intended for development with new noise sensitive land uses in proximity to existing industry.

Staff have been working with the FedEx landowners and Redpath Sugar to address the compatibility issues and have achieved consensus regarding the applicability of a Class 4 designation on the FedEx lands. Class 4 classifications have been applied to other parts of the Central Waterfront, including Lower Yonge and the Port Lands, and City Staff support this request. Applying a Class 4 designation to the FedEx lands at this stage recognizes that the precinct planning for this area was advanced prior to the updating of provincial noise guidelines and the introduction of the Class 4 area designation. The designation will enable certain types of mitigation to be possible for sensitive land uses, while also ensuring compatibility with industry.

A Class 4 designation is appropriate and conforms with the policy direction and recognizes the various goals expressed in the Central Waterfront Secondary Plan, including paragraph P27, which requires development in Regeneration Areas to have regard for provincial guidelines and for lands to be appropriately buffered and mitigated to prevent adverse effects from contaminants such as noise. The Central Waterfront Secondary Plan policies also recognize the Redpath facility as a feature of the Toronto Waterfront. A Class 4 designation ensures that the various planning objectives related to waterfront redevelopment in the East Bayfront precinct are achieved.

If City Council designates the FedEx lands as Class 4, additional noise assessments will be undertaken at the site plan approval stage to ensure land use compatibility is achieved. Appropriate holding provisions will be included in the zoning by-law for required studies to be undertaken to demonstrate land use compatibility at site plan. This is the approach that has been taken in East Bayfront and Keating Channel. As a condition of removal of the (h) symbol for the FedEx Lands, the zoning by-law will require that the owner submits a noise study and detailed plans as part of a complete site plan application, and that the noise study be peer reviewed by the City at the owners' expense, to demonstrate to the satisfaction of the City that proposed mitigation measures are consistent with a Class 4 designation under NPC-300.

This area of the City has been targeted for revitalization and regeneration for close to twenty years. Significant public investments have been made in the area and significant public input and consultation has taken place to create a planning policy framework based on the vision of a revitalized Waterfront. The planning regulatory framework recognizes the important policy objective of creating public access and use along the Central Waterfront and in regenerating the area with a mix of uses and public spaces that creates vibrant spaces, while at the same time protecting existing employment uses and ensuring land use compatibility is achieved. A Class 4 designation will assist in ensuring these public objectives are appropriately balanced and

achieved in a manner that allows for the overall vision of a revitalized waterfront to be achieved.

This Motion requests that Council support a Class 4 classification, as specified in NPC-300 for the FedEx lands. An Ontario Municipal Board hearing is currently scheduled to commence on November 20, 2017. The resolution of these appeals is an important step in the revitalization of the City's waterfront and the achievement of City building goals, including affordable housing.

This Motion is urgent as it pertains to an Ontario Municipal Board hearing in respect of the appeal of the Central Waterfront Secondary Plan, East Bayfront Zoning By-law 1049-2006 and other related appeals, which will be heard at a hearing commencing on November 20, 2017.

Background Information (City Council)

Member Motion MM34.40

FedEx Lands - Map

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-108867.pdf>)