

261 Queens Quay East – Application to remove the Holding Symbol from the Zoning By-law– Final Report

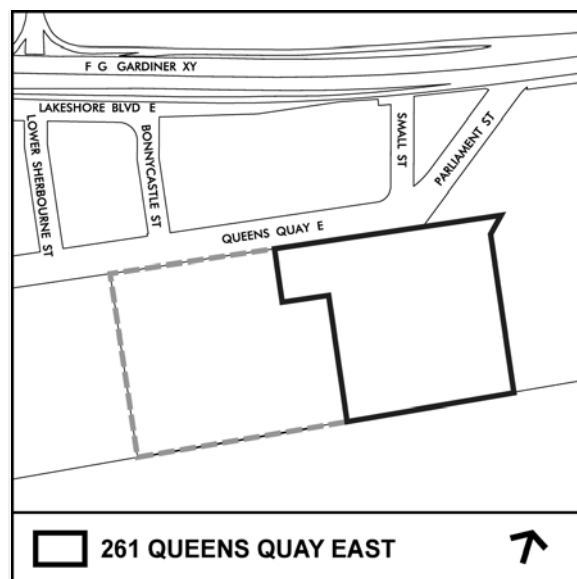
Date:	May 25, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	17-153565 STE 28 OZ

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 that form the second phase of the Bayside subdivision located at 261 Queens Quay East, which are being redeveloped as a mixed-use neighbourhood.

A zoning by-law amendment application has been filed by Waterfront Toronto to remove the holding symbol ("h"), on the lands consisting of Blocks 10 to 17 inclusive, and located on Part of Lots 23-25, Registered Plan 694-E, located on the south of Queens Quay East, east of Sherbourne Common South.

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 lands within the second phase of the Plan of Subdivision.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1049-2006, for the lands within Bayside Phase 2 (261 Queens Quay East), substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. X to the report 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 Bayside in November 2007.

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 are to be affordable rental housing.

At its meeting of August 25, 2010 Council approved a report from the Deputy City Manager responsible for the Waterfront on the proposed sale and lease of the City-

owned Bayside lands to Hines Canada Management Company ULC (Hines), selected by Waterfront Toronto as the Master Developer through a competitive bidding process to lead waterfront revitalization in Bayside. The terms of the proposed Land Development Agreement, also approved by Council, provide that Waterfront Toronto take the lead on the plan of subdivision including filing the application for Bayside working collaboratively with the development partner. The staff report is on the City's website at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX46.33>.

Included in the agreement with Hines are terms and conditions under which the City, Hines and their Development partner Tridel, work together to develop an affordable housing pilot project as one portion of the affordable housing requirements. In an effort to provide affordable rental housing earlier in the process, affordable rental apartments in a market condominium are proposed within Phase 1, with more than 70 units. A copy of the staff report is on the City's website at:
<http://www.toronto.ca/legdocs/mmis/2013/ex/bgrd/backgroundfile-62488.pdf>.

Council enacted Zoning By-law No. 444-2013 at its meeting of March 31, 2013, which refined the Zoning By-law to reflect the streets, parks, and development blocks proposed by the Draft Plan of Subdivision. The by-law is in force and effect. The Chief Planner and Executive Director of the City Planning Division issued Notice of Draft Plan of Subdivision Approval on March 28, 2013. The Draft Plan of Subdivision for Phase 1 has been registered. The boundaries of Phase 1 and Phase 2 are shown on the Draft Plan (Attachment 2).

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.

At its meeting of March 20, 2014, Council approved a report recommending that the Holding Symbol (h) be removed for the lands that form the first phase of the Bayside subdivision which are currently being redeveloped as a mixed use neighbourhood. A copy of the staff report can be found at:
<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-66484.pdf>

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 form the second phase of the Bayside subdivision located at 261 Queens Quay East. Once the (h) is removed, development may proceed in accordance with the Plan of Subdivision, the in-force Zoning By-law, and future Site Plan approvals.

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, the Toronto Harbour to the south, Sherbourne Common Park South to the west and the Parliament Street Slip to the east. The site is 5.3 hectares in area, generally rectangular in shape and flat for the most part, with the exception of the eastern portion of the site which is about 1 metre higher than the rest of the land. The site has a frontage of approximately 345 metres along Queens Quay East and a depth of about 162 metres. Phase 2 encompasses the eastern portion of the Bayside subdivision.

Surrounding uses include:

North: There are single storey multi-tenant commercial and industrial buildings opposite the site on the north side of Queens Quay East. The site of the proposed Parkside development that will include a mixed-use residential and commercial building is also opposite the site on the north side of Queen Quay East. Further north is the Gardiner Expressway and the St. Lawrence Neighbourhood and Distillery District.

South: The Toronto Harbour is adjacent to the south. The site has about 310 metres of harbour frontage.

East: The Parliament Street Slip is adjacent to the east. The site has about 118 metres of frontage along the Slip. Further east of the Parliament Slip are the Victory Soya Mills Silos and vacant lands within the Keating Channel Precinct planned as a future new waterfront neighbourhood.

West: Sherbourne Common Park South is adjacent to the Phase 1 lands. Further west is George Brown College waterfront campus, the Corus Quay office and broadcast centre, Sugar Beach, adjacent to the Jarvis Street Slip, and the water's edge promenade. Redpath Sugar is further west on the west side of the Jarvis Street Slip.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. 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 261 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. In addition to the land use designation, the Secondary Plan also reserves land at the water's edge of the site for the *Public Promenade*. The Central Waterfront Secondary Plan is in-force for portions of the Central Waterfront, including Bayside (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) and Park (G) 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, 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. Site plan control applications will be required for the individual development blocks within the site. In December 2016, a site plan control application was received for Bayside Block 13 that is being developed by Waterfront Toronto's development partner. The application is currently being processed.

Reasons for Application

The application proposes to remove the Holding Symbol ("h") from the CR zones with the Bayside Phase 2 lands of the Draft Plan of Subdivision. 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*. Most of the conditions are secured through the execution of a Section 37 Agreement between the City of Toronto and Waterfront Toronto, including conditions for: public art, noise/vibration/emissions studies and mitigation measures and warning clauses. The Section 37 Agreement also secures the provision of not less than 20% of the total number of residential units be new affordable rental housing.

The City and Waterfront Toronto have resolved substantive matters and the Section 37 Agreement is anticipated to be executed in July 2017.

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 a draft East Bayfront Public Art Master Plan that was presented to the City's Public Art Commission on January 22, 2014. The objective of the East Bayfront Public Art Master Plan is to provide a framework for public art in public spaces throughout the East Bayfront. Waterfront Toronto is the lead in implementing the plan and commissioning public realm with public art funds from publicly-owned lands.

The East Bayfront Public Art Master Plan was approved by City Council on December 9, 2015 and an East Bayfront Public Art Delivery Agreement was executed on October 20, 2016.

Affordable Housing

An important policy of the Central Waterfront Secondary Plan is the provision of a full range of housing opportunities in the Central Waterfront including affordable housing. The overall goal for the Central Waterfront is that 25 percent of all housing units be affordable rental housing and low-end-of-market housing.

The East Bayfront zoning by-law requires the provision of not less than 20 percent of the total number of dwelling units as new affordable rental housing units. The Affordable Housing Strategy for East Bayfront, which was incorporated in the Precinct Plan adopted by City Council in 2005, sets out how this requirement would be delivered by Waterfront Toronto on public lands, such as the Bayside lands. Waterfront Toronto would provide land sufficient to accommodate the 20% affordable rental requirement generated by the total residential development on their lands. This land is to be ready and available for development, and provided at no cost to the affordable rental provider on a long-term lease basis to ensure ongoing affordability. The City would be responsible for obtaining the necessary funding to develop the affordable rental housing.

In 2010, City Council directed that a Land Development Agreement be entered into for the Bayside Lands which, among other matters, would provide for the option of Waterfront Toronto and their Development Partner meeting a portion of the 20% requirement through an affordable housing pilot project that would mix market units and affordable rental housing in one building.

Council has previously directed that prior to 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. This Agreement was executed on March 19, 2013. Among other matters it sets out how Waterfront Toronto and the City will work together to achieve the 20% affordable rental housing on the public lands in East Bayfront, particularly in Bayside and Quayside, the lands just north of Bayside.

The planning framework for Bayside anticipates the development of approximately 1,700 residential units to be developed in 2 phases. The 20% requirement will result in approximately 340 affordable rental units. A rental pilot project has been incorporate into Phase 1 of Bayside and a parcel of land in Phase 2 has been secured to achieve the balance of the total affordable rental requirements in Bayside.

Waterfront Toronto, Hines (as the Development Partner) and the City have worked together to achieve an affordable rental pilot project of 80 units on Block 6 in Phase 1. In Phase 2, the lands in Block 3 will be reserved, and are sufficient to achieve a separate affordable rental building which will meet the balance of the 20% requirement for Bayside (approximately 250 units). Affordable rental housing requirements were secured in the Section 37 Agreement entered into by Waterfront Toronto.

A key objective is to achieve a good mix of housing tenures and affordability throughout the East Bayfront, as well as within the Bayside neighbourhood. Council's approved Section 37 guidelines also require that the affordable housing be provided in conjunction with the delivery of the market housing.

The land for the affordable rental housing will be required to be ready and available for development to the affordable housing provider. The Section 37 Agreement will set out the obligations to maintain the units as affordable rental housing, and identify the final details on the number and type of housing units.

Community Centre

The City and Waterfront Toronto are incorporating requirements in the Section 37 Agreement to require the Community Centre be located in Phase 2. A conceptual plan for the community centre and associated facilities has been provided to the satisfaction of the Chief Planner, and the General Manager of Parks, Forestry & Recreation.

Sustainable Communities and Environmental Studies

The City and Waterfront Toronto are incorporating measures in the Section 37 Agreement that will require the design and construction of development within Phase 2 to be sustainable. Prior to the issuance of a building permit, the owner will be required to submit and prepare plans and reports that detail the sustainable measures to be implemented, to the satisfaction of the Chief Planner. In addition the owner will be required to conduct and submit noise, vibration and /or emission studies to be reviewed by Redpath Sugar Ltd.

Conclusion

As a condition of removing the Holding Symbol "h", the East Bayfront – West Precinct 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, the provision of noise studies and implementation measures and the requirements for a community centre to the satisfaction of the City. The Section 37 agreement also secures the provision of affordable housing.

The City and Waterfront Toronto are in agreement on all substantive matters in the Section 37 Agreement for Bayside Phase 1, including the requirements for public art and affordable housing. Following the execution of the Section 37 Agreement, it is recommended that Bayside Phase 1 be allowed to proceed and that the City lift the "h" holding symbol.

CONTACT

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SIGNATURE

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Toronto and East York District

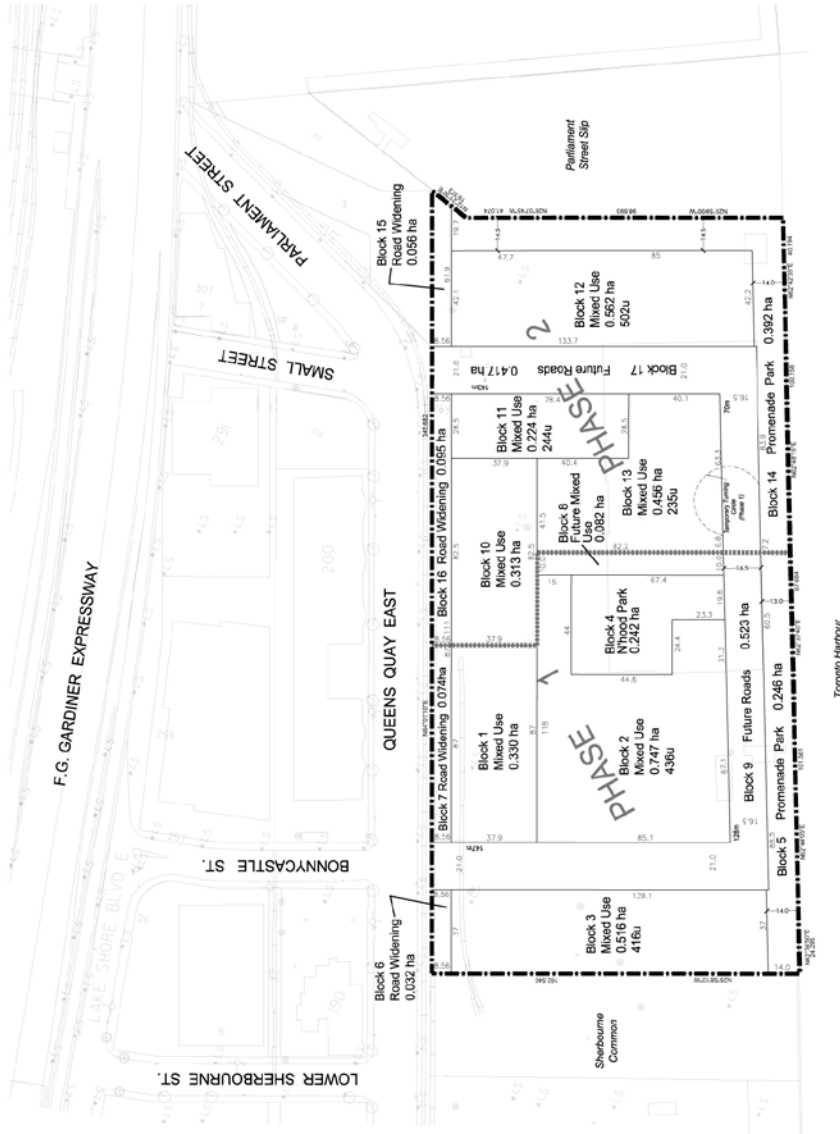
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ATTACHMENTS

Attachment 1: Bayside Draft Plan of Subdivision

Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Bayside Draft Plan of Subdivision



261 Queens Quay East

Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
05/15/2017

File # 17 153565 STE 28 0Z

Attachment 2: Draft Plan Zoning By-law

**To amend Zoning By-law No. 1049-2006, with respect to the lands forming Part of Lots 23-25, Registered Plan 694-E, on the south side of Queens Quay East, east of Jarvis Street, as shown on Blocks 10 to 17 inclusive, as shown on the Draft Plan of Subdivision (Application 11 278098 STE 28 SB),
to remove the holding symbol (H)
with respect to the lands known municipally in the year 2017 as 261 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:

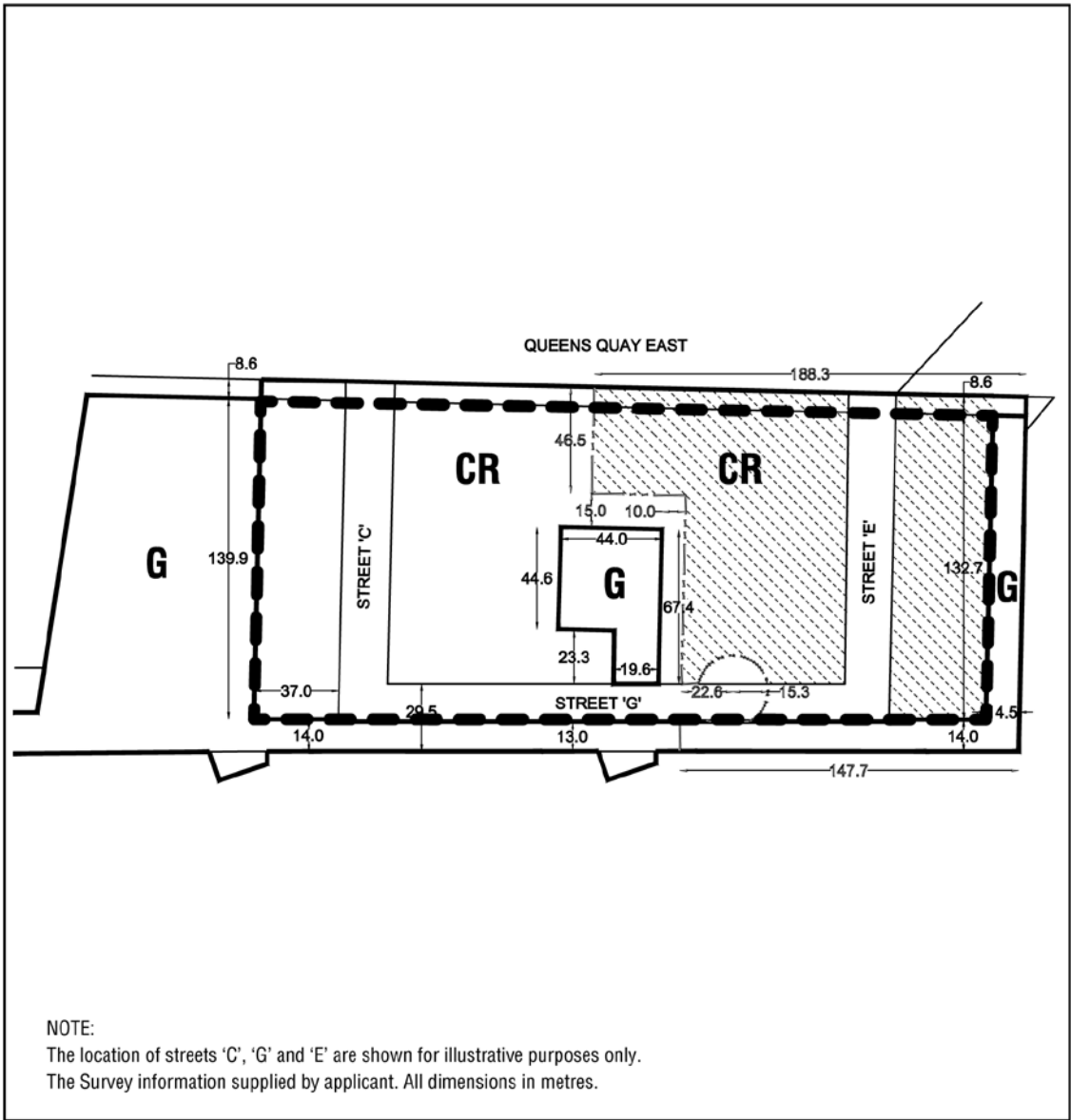
1. By-law No. 1049-2006 being "A By-law to amend By-law No. 438-86, the former City of Toronto Zoning By-law, as amended, is further amended by removing the holding symbol ("h") from the lands as shown on the attached Schedule '1'.

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

**Speaker
(Corporate Seal)**

**ULLI S. WATKISS
City Clerk**



SCHEDULE '1'



261 Queens Quay East
Bayside Phase 2

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

File # 17_153565 STE 28 OZ

-  Area where "H" is to be removed
-  Bayside

↑
Not to Scale
05/15/2017