

21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue - Proposed Modifications to OPA 231 Site and Area Specific Policy 426

Date: February 9, 2018

To: Planning and Growth Management Committee

From: Acting Chief Planner and Executive Director, City Planning

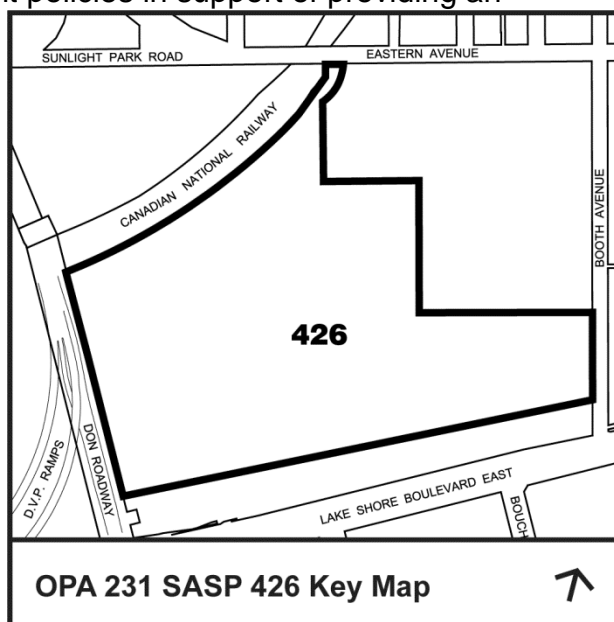
Wards: Ward 30

SUMMARY

In December 2013, City Council adopted Official Plan Amendment 231 (OPA 231) following the Five-Year Official Plan and Municipal Comprehensive Review regarding employment lands across the City. First Gulf Don Valley Limited, Don Valley Booth Limited, Don Valley Eastern IV Limited and Don Valley Eastern Limited (collectively "First Gulf") are parties in the Ontario Municipal Board hearing process related to OPA 231, including Site and Area Specific Policy 426 (SASP 426), which applies to lands in First Gulf's ownership.

This report provides information regarding proposed City-initiated modifications to SASP 426. The proposed modifications are intended to modernize the language of the SASP to reflect the 2017 Growth Plan's Employment policies in support of providing an appropriate mix of non-residential amenities to serve the workforce in office areas; clarify that employment use permissions and requirements also encompass adjoining lands now also in First Gulf's ownership; and permit additional non-residential land uses that will serve and provide amenities to employment uses within the Unilever Precinct (for the First Gulf lands, and with provision to extend to other adjoining lands including those in the City and Enbridge's ownership).

The report recommends that these proposed modifications be forwarded to the Minister of Municipal Affairs for



approval. At the time of the Ministerial Decision on the majority of OPA 231, a Decision was withheld on SASP 426 (along with other SASPs in the Lower Don Special Policy Area (SPA)). It is desirable that a future Ministerial Decision on SASP 426 bring into force the proposed modified SASP.

This report recommending modifications to SASP 426 reflects early policy recommendations emerging from the Unilever Precinct Planning Study and review of First Gulf's applications, particularly in relation to uses which will support and provide non-residential amenities to this urban office district. Subsequent reporting in the second quarter of 2018 will advance the broader set of implementing policy instruments, however a Ministerial Decision on SASP 426 is a precursor to these further implementing policies. Given the Ontario Provincial electoral cycle, the opportunity for a Ministerial Decision on this matter is early spring 2018. Council's endorsement of the attached modifications and authorization to staff to forward the updated SASP 426 to the Minister is a necessary step to ensure future implementing planning instruments can be advanced.

RECOMMENDATIONS

The Acting Chief Planner and Executive Director, City Planning, recommends that:

1. City Council endorse the proposed modifications to OPA 231 SASP 426, in Attachment 1 to the report (February 9, 2018) from the Acting Chief Planner and Executive Director, City Planning Division; and
2. City Council direct City Planning staff to forward the City-initiated request to modify SASP 426 to the Minister of Municipal Affairs for approval as required under Section 26 of the Planning Act.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted OPA 231 with respect to the economic health policies and the policies, designations and mapping for Employment Areas following the Five-Year Official Plan and Municipal Comprehensive Reviews (MCR) regarding employment lands. OPA 231 designates the site at 21 Don Valley Parkway *General Employment Areas* and designates the remainder of the subject properties *Core Employment Areas*. It includes SASP 426 for 21 Don Valley Parkway and 30 Booth Avenue, which contemplates comprehensive planning for an integrated and connected employment precinct with a mixture of non-residential uses.

The Minister approved the majority of OPA 231 in July 2014 with some modifications. The Minister's decision was withheld for any site specific policies and employment land conversion designation changes applying to lands located within the flood plain of the Lower Don Special Policy Area, of which the subject lands are a part. At the request of the Province, City Planning staff submitted additional supportive land use material for the outstanding SASPs within the Lower Don Special Policy Area. This material remains under review by the Minister of Municipal Affairs and the Ministry of Natural Resources.

Decisions by the City and the Minister can be accessed at these links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

<https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

The OMB brought into force the *Core Employment Areas* and *General Employment Areas* designations in December 2016, except for sites under appeal and regarding particular uses that remained contested: daycares, educational facilities, ice arenas, recreation, entertainment, cultural facilities, parks, fitness centres and hotels. The hearing for City-wide appeals regarding places of worship concluded in February 2017 and the hearing for daycares and educational facilities concluded in December 2017. An OMB Decision on these matters is pending.

First Gulf, owner of the subject lands, is a party to the OPA 231 appeals. In February 2016, Planning and Growth Management Committee considered a Preliminary Report on the application for Official Plan Amendment submitted by First Gulf Don Valley Limited for their proposed "East Harbour" development in the Unilever Precinct. Staff were directed to prepare a community consultation work plan in consultation with the Ward Councillor and integrate economic development considerations, as well as to report back to the Planning and Growth Management Committee on the process that the City will undertake to lead comprehensive planning for the Precinct, in collaboration with the applicant, landowners and stakeholders.

The Committee's direction may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG10.7>

In February 2017, Planning and Growth Management Committee considered a Status Update Report on the Unilever Precinct Planning Study, as well as a further Preliminary Report on First Gulf's applications for rezoning and subdivision at 21 Don Valley Parkway and 30 Booth Avenue. Staff were directed to commence the Eastern and Broadview Flood Protection Municipal Class Environmental Assessment, together with the Toronto and Region Conservation Authority and Waterfront Toronto.

The Committee also requested:

- amendments to the community consultation plan and notice requirements;
- that the General Manager of Economic Development and Culture investigate opportunities to secure replacement film studio capacity onsite in the event that existing studio uses cease operations;

- that the Deputy City Manager, Cluster B, facilitate coordination of major enabling infrastructure projects with application review; and
- that the Chief Planner report back on consultation with Enbridge Gas Distribution respecting First Gulf's application and the Unilever Precinct Plan.

The Committee's direction may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG18.6>

In November 2017, Planning and Growth Management Committee considered an additional Status Update Report on the Unilever Precinct Planning Study and First Gulf's applications. The report provided updated information on First Gulf's revised development proposal, information regarding ongoing public consultation activities, as well as information regarding consultation with Enbridge Gas.

The Committee received the report for information which may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.1>

COMMENTS

SASP 426 was an outcome of the Municipal Comprehensive Review related to the City's employment lands. The policies in SASP 426 introduced the concept of a comprehensively planned employment precinct permitting a mix of non-residential uses, of which the majority would be office, post-secondary institutions, hotels, studios and research facilities, to be supported by an appropriate mix of amenities to serve the workforce. In addition to the *General Employment Areas* policies of OPA 231, SASP 426 includes policies regarding considerations for redevelopment of the Precinct, phasing provisions, compatibility considerations regarding the Enbridge distribution facility and the City of Toronto works yard, and provisions linked to ensuring that adequate flood mitigation measures have been planned and development is compatible with the planned naturalization of the Don River.

In October 2015, First Gulf submitted a conceptual Official Plan Amendment (OPA) application for the entire Unilever Precinct. Enbridge Gas via letter formally authorized First Gulf's inclusion of its 405 Eastern Avenue facility in the OPA, while also indicating its interest in ensuring that future uses would be compatible with, and appropriately buffered from the Enbridge facility. Enbridge stated an intent to participate fully in the planning process concerning the OPA. First Gulf submitted further materials respecting the Precinct-wide OPA, as well as rezoning and subdivision applications limited to the First Gulf lands in December 2016 and has further refined the proposal through a series of resubmissions over late 2017 and early 2018. Resubmissions made reflect the ongoing cycle of staff review and public consultation.

In issuing the Minister's Decision on OPA 231 on July 2014, no decision was issued with respect to SASP 426, along with other policy and land use designation changes applying to lands located within the Lower Don Special Policy Area (SPA). As result of the \$1.25 billion investment by the Federal, Provincial and Municipal governments to implement flood remediation works in the Lower Don Area, staff from both Ministries

and from City Planning are collaborating on a development control framework to phase planning approvals for development applications in the SPA to ensure flood risk in the Lower Don lands is mitigated.

A Ministerial Decision bringing into force SASP 426 is a precursor to ensuring the comprehensive redevelopment of the subject lands. It is anticipated that SASP 426 will be approved by the Minister provided matters related to flood plain mitigation have been addressed to the satisfaction of the province.

The attached modification:

- updates SASP 426 to reflect language in the 2017 Growth Plan's Employment policies in support of providing an appropriate mix of non-residential amenities to serve the workforce in office areas;
- clarifies that the employment use permissions and requirements of SASP 426 encompass the adjoining lands at 375 and 385 Eastern Avenue (purchased by First Gulf in 2017), as contemplated in Council-adopted SASP 426; and
- Explicitly permits additional non-residential land uses not typically permitted in Employment Areas but which will serve to provide an appropriate mix of amenities to the office commercial district being proposed.

Such amenities to serve the workforce will not include any residential, including live/work, permissions.

The City is engaged in a comprehensive planning process for the Unilever Precinct, including the subject lands. While the Precinct has historically been the site of heavy industry, and retains the significant industries housed at the Enbridge facility at 405 Eastern Avenue and the City Works Yard at 433 Eastern Avenue and 50 Booth Avenue, the lands covered by SASP 426 are no longer an appropriate location for heavy industrial uses and instead are being reimagined as a high-value commercial office district linked to regional transit. The proposed additional land uses – arts and entertainment, community centres, community health centres, convention facilities, fitness centres, libraries, museums, parks, and workplace ancillary daycares, and other such similar uses the City and, where applicable, the Province, may support – will contribute to providing amenities to, and supporting, the viability of the Precinct's commercial office employment uses. Implementing zoning will more specifically detail the anticipated non-residential land use mix for this district.

Future implementing policy instruments will further describe the location and built form characteristics of these proposed additional non-residential uses. This will include the timing of their delivery; appropriate separation and buffering from heavier employment uses elsewhere in the area; and appropriate separation from rail infrastructure. Additionally, these implementing policy instruments will no longer permit new heavy industrial uses on the subject lands, reflecting the area's evolution from a heavy manufacturing area to an office and commercial employment district.

Additional uses to support business and office areas have been permitted through OPA 231 SASPs related to Business Parks along the Don Valley Corridor (SASP 394), and in the Liberty Village employment precinct at Area 3 (SASP 3). The intent of these SASPs

is to support, provide amenities for, and animate the office areas to make them more attractive for businesses and their employees and encourage office development, while reflecting the 21st century nature of work and employment mix of uses. Amongst other matters, SASP 394 permits on the subject *General Employment Area* lands the development of restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services provided these uses are in multi-storey buildings that include offices. SASP 3 permits on the subject *Core Employment Areas* lands as secondary, supportive uses small scale service uses such as banks, hotels, parks, workplace ancillary daycares, small scale retail and restaurant uses along with recreational uses; and also notes that Area 3 within the Liberty Village employment area is not an appropriate location for heavier employment industrial uses.

City Planning has consulted with First Gulf, Enbridge Gas, and relevant City Divisions respecting this proposed modification. Appropriate employment uses to provide a mix of supportive amenities has also been a consistent theme of public interest and discussion at consultation events linked to the Unilever Precinct Planning Study and First Gulf's East Harbour Applications. The modification does not add any residential, including live/work, permissions to the lands.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Acting Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1 - Proposed Modified SASP 426

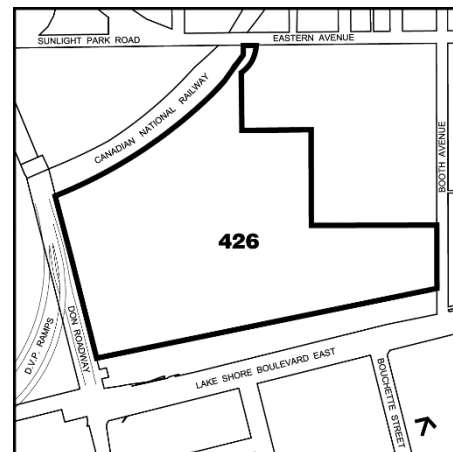
Attachment 1: Proposed Modified SASP 426

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 426 for the lands known municipally in 2017 as 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue, as follows:

'426. 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue

In addition to the *Core and General Employment Area* policies of the Official Plan, the following policies apply:

a. A comprehensively planned, intensified employment precinct that is fully integrated and connected to the surrounding area and that encompasses a broad variety of non-residential land uses should be created on the subject lands. A mixture of non-residential uses is therefore permitted, with a majority of the development consisting of offices, post-secondary colleges/universities/trade schools, hotels, studios, and research facilities.



b. Non-residential uses which support the viability of the precinct's primary employment uses noted above, provide amenities for the precinct's current and future employees, and support the creation of a vibrant and animated urban district are permitted as follows: arts and entertainment uses, community centres, community health centres, convention facilities, fitness centres, libraries, major retail uses, museums, parks, recreational facilities, retail uses, service commercial uses, workplace ancillary daycares, and other such similar uses as the City and, where applicable, the Province, may support.

c. Proposals which include major retail uses of 6,000 square metres or more of retail gross floor area will be permitted when such uses are planned to be physically connected and/or functionally integrated with structures and/or open spaces associated with the precinct's employment uses. Proposals for major retail development will be subject to the development criteria set out in subsections a) to e), g) and h) of Policy 4.6.5. At grade parking associated with major retail development will only be used as an interim measure and will not be located between the retail uses and the public sidewalk and will be located at the flank or rear of the building.

d. A comprehensive plan for the new employment precinct described above will be prepared to the satisfaction of the City. The comprehensive plan will include consideration of the relationship and connections between properties in Site and Area Specific Policy 426 and nearby properties including 1, 5 and 9 Don Valley Parkway, 6 and 50 Booth Avenue, and 405, 415, and 433 Eastern Avenue. The comprehensive plan will be implemented through adoption of an Official Plan Amendment(s) (which may include either, or both, of a Site and Area Specific Policy and/or a Secondary Plan), and/or Zoning By-law Amendment(s), along with a Plan of Subdivision, at the discretion

of the City. Through the planning process for the implementation of the comprehensive plan, the following matters shall be addressed:

i. the comprehensive plan for the redevelopment of the precinct will address land use, built form, deployment of density, land division, interim development conditions, flood protection, public realm connections and appropriate transition in built form to low-scale residential uses north of Eastern Avenue. The comprehensive plan will include a transportation and servicing infrastructure plan to accommodate the intensification, that identifies new infrastructure and improvements to existing infrastructure and also identifies transportation demands and impacts and any necessary mitigation measures.

ii. the City will secure phasing of development and infrastructure improvements to ensure orderly development and to ensure that development of the precinct's employment uses accompanies development of the other permitted uses. At full build-out of the employment precinct, no more than 20 per cent of the total gross floor area is to be devoted to entertainment uses, fitness centres, major retail uses, recreation uses, retail uses and service commercial uses.

iii. proposed development for the precinct will include a mix of non-residential land uses which are consistent with the objectives of the Official Plan's policies for *Employment Areas* and the City of Toronto's Economic Development Strategy.

iv. prior to the enactment of any Zoning By-law Amendment which permits potentially sensitive non-residential land uses in the employment precinct, a compatibility study shall be prepared to the satisfaction of the City of Toronto in consultation with the Ministry of the Environment and Climate Change that evaluates how potentially sensitive uses within 1,000 metres of existing *major facilities* such as the Enbridge facility located at 405 Eastern Avenue and the City works yard located at 433 Eastern Avenue and 50 Booth Avenue, would affect the ability of those facilities to carry out normal business activities. The compatibility study shall also evaluate potential adverse effects from odour, noise and/or other contaminants on anticipated users of the proposed sensitive uses, and recommend how potential adverse effects may be mitigated to minimize risk to public health and safety and to ensure the long term viability of *major facilities*. Mitigation measures shall be implemented by the proponent of development through the Zoning By-law Amendment and/or other planning instruments.

v. the City, the Toronto and Region Conservation Authority (TRCA), and the Province will be satisfied that adequate flood remedial measures can be provided. The proposal will also be compatible, and sensitively integrated with, the planned naturalization of the Don River. Council may place Holding Provisions as part of enacting any implementing Zoning By-law, and which may only be removed once the flood remedial works are complete and deemed functional by the City and the TRCA and any other applicable regulatory body, or as follows:

- Occupancy of new buildings can be legally controlled until the required flood remedial works are complete and functional from a floodplain management perspective;

- Building Code requirements can be met to the satisfaction of the Chief Building Official; and
- Risks to life and property are adequately addressed to the satisfaction of the City and the TRCA and any other applicable regulatory body.

e. Prior to the next Municipal Comprehensive Review, the City may initiate Official Plan Amendments as necessary for the purpose of facilitating comprehensive infrastructure and precinct planning to extend the employment land use permissions and requirements of sub-policies a) through d) inclusive to adjoining lands located at 6 and 50 Booth Avenue, 405, 415 and 433 Eastern Avenue and 1, 5 and 9 Don Roadway subject to the following conditions:

- i. the proposed amendment will not add any residential, including live/work, permissions to the lands; and
- ii. the owners and operators of the adjoining lands have been consulted.