

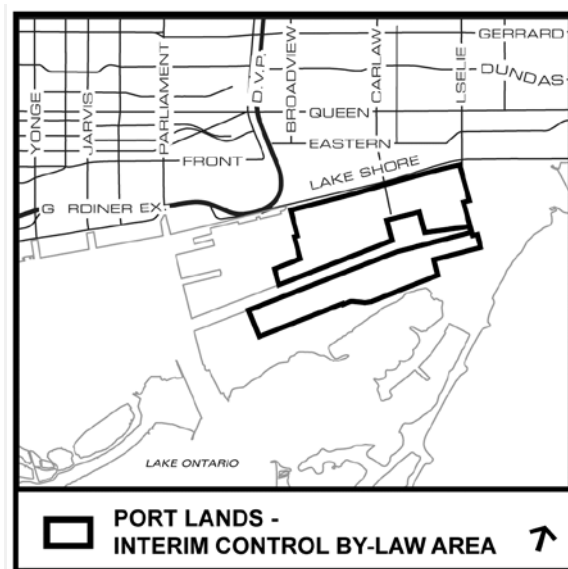
Port Lands – Interim Control By-law Extension – Final Report

Date:	May 17, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	18 147624 SPS 00 TM

SUMMARY

Staff are currently conducting a City-initiated zoning review of land-use permissions in a portion of the Port Lands. This review is assessing the compatibility of current use permissions with the direction set out in the Port Lands Planning Framework, a comprehensive planning study which included a review of the land use permissions in the Port Lands at an Official Plan level. In order to allow staff sufficient time to implement the directions in the Port Lands Planning Framework, Council subsequently adopted an Interim Control By-law for selected areas of the Port Lands.

On October 2, 2018 Interim Control By-law No. 979-2017 will expire and the zoning review study is not complete. This report recommends that Interim Control By-law No. 979-2017 for the Port Lands be extended to prohibit certain incompatible uses in a portion of the Port Lands for a period of one additional year while City staff continue to implement the zoning review for the McCleary District, Media City, Turning Basin District, Warehouse District, East Port, South Port East and South Port districts (see Attachment 3).



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Interim Control By-law No. 979-2017 to extend the period of interim control to October 2nd, 2019 for the lands in the Port Lands – Interim Control By-law Area, substantially in accordance with the proposed By-law attached as Attachment 3 to the report (May 17, 2018) from the Acting Director, Community Planning, Toronto and East York District; and,
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Interim Control By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on July 4, 2017, City Council adopted the May 16, 2017 staff report, with amendments to staff recommendations, from the Deputy City Manager, Cluster B, entitled "Port Lands Planning Initiatives – Interim Report". This report summarized the findings of the Port Lands Planning Framework (PLPF) and the Port Lands and South of Eastern Transportation and Servicing Master Plan (TSMP). Council endorsed in principle the draft Port Lands Official Plan Modification (OPM) and endorsed the TSMP. Council required that a completed PLPF and final Port Lands OPM be submitted to the Planning and Growth Management Committee on October 12, 2017. Consideration of this item was deferred until November 15, 2017.

The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.4>

At its meeting on October 3, 2017, City Council adopted the staff report from the Deputy City Manager, Cluster B, entitled "Port Lands – Interim Control By-law – Final Report". In anticipation of the forthcoming final PLPF and OPM, Council provided direction to enact an Interim Control By-law for selected areas in the Port Lands for a period of one year with the possibility of extension. This by-law was enacted to enable staff to conduct a zoning review to implement the directions of the PLPF and OPM and to prohibit uses incompatible with the planning vision for the Port Lands. This report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-107601.pdf>

At its meeting on December 8, 2017, City Council adopted the staff report, with amendments to staff recommendations, from the Deputy City Manager, Cluster B, entitled "Port Lands Planning Initiatives – Final Report". This comprehensive effort is the result of analysis and consultation beginning in 2013 and culminating in PLPF and OPM. The PLPF is a strategic planning study that provides specific guidance to how Regeneration Areas will develop over the next 50 years. The report recommended a work

program to implement Council direction that included a Zoning Review for the Port and Industrial Districts, a Precinct Plan for McCleary District, and Urban Design Guidelines for the Production, Interactive and Creative (PIC) Core District. This report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-107844.pdf>

At their meeting on April 24, 2018, City Council adopted the staff report from the Acting Director, Community Planning Toronto and East York District, entitled "675 Commissioners Street – City-initiated Zoning By-Law Amendment Application – Final Report." City Council amended Zoning By-law No. 438-86 By-law to permit a postal sorting station use at 675 Commissioners Street and directed staff to repeal Interim Control Bylaw No. 979-2017 for the site.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE31.8>

ISSUE BACKGROUND

The Planning Act

Section 38 (2) of the *Planning Act* states that the Council may amend an Interim Control By-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the Interim Control By-law.

It is noted that the Interim Control By-law was originally adopted by Council on October 2, 2017 and can be extended in accordance with the *Planning Act*.

There were no appeals to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) of the original Interim Control By-law.

Official Plan

The former City of Toronto Official Plan remains in force in the Port Lands and designates the majority of the Port Lands as *General Industrial Areas*, which permit a wide range of industrial uses except those which may have a detrimental environmental effect on other industrial uses. Lands adjacent to the north dockwall of the Ship Channel and to the southeast of the Port Lands are designated *Heavy Industrial Areas*, which permit a range of industrial uses including primary and other industries involved in the processing, recycling or storage of raw materials and other goods. South of the Ship Channel, the Richard L. Hearn Generating Station and lands to its east are designated *Restricted Industrial Areas*, which permit a limited range of industrial uses which are environmentally compatible with adjacent open spaces, parks or recreational uses and residential or commercial areas.

The former City of Toronto Official Plan also identifies the Port Lands as the *Port Industrial District*, which is described as one of the City's chief industrial areas and has been used primarily for heavy industry, shipping and port-related purposes.

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan (CWSP) was adopted by City Council in 2003 and is currently under appeal for the Port Lands. The CWSP designates the majority of the Port Lands as *Regeneration Areas or Parks and Open Space*. *Regeneration Areas*, as defined in the CWSP, are intended to provide for a broad mix of commercial, residential, industrial, parks and open space, and institutional uses in an urban form. *Regeneration Areas* that will include residential use permissions require the completion of a Precinct Implementation Strategy.

The CWSP calls for the transformation of the Port Lands into a number of new urban districts amid the activities of a working port. It identifies a number of uses desirable in the Port Lands, such as new mixed-use residential development, knowledge-based industries, film and new media activities, "green" industries, recreational, cultural and tourist amenities, city-serving uses and marine-related industries. The CWSP, however, does not identify where these uses should be located, nor does it resolve how these broad land use permissions will co-exist.

The Port Lands Planning Framework (PLPF) and the Port Lands Official Plan Modification (OPM), adopted by City Council on December 5, 2017, provides detailed land use directions for the *Regeneration Areas* in the CWSP. The Port Lands OPM is now part of the not-in-force Official Plan policy in the area.

Zoning

The former City of Toronto Zoning By-law 438-86 is the in-force By-law for the Port Lands, as represented in Attachment 4. The majority of the lands in the Port Lands are zoned industrial. Lands south of the Ship Channel are zoned I2. The I2 category permits light industrial uses, some commercial uses as well as production and manufacturing. Lands north of Ship Channel are primarily zoned I3. The I3 category permits a range of light and medium industrial uses and some commercial uses. Lands adjacent to the northern dockwall of the Ship Channel are generally zoned I4. The I4 category permits the heaviest industrial uses, including obnoxious uses. There are a number of areas in the Port Lands, including a small area near 675 Commissioners, that are zoned IC.

Interim Control By-law

The current zoning permissions in the Port Lands are outdated. Zoning in the area has not been updated since the later 1990s and is not reflective of the vision of the waterfront encapsulated in the Central Waterfront Secondary Plan, and more specifically through the Port Lands Planning Framework.

Interim Control By-law No. 979-2017 reflects the outcomes of the Port Lands Planning Framework. It prohibits existing permitted uses in the various industrial zones that are considered to be incompatible with the land use direction for the Port Lands. Heavy and obnoxious industrial uses, auto-oriented uses, and uses that contribute little to overall employment objectives are prohibited in the McCleary District, Media City, Turning Basin District and Warehouse District. Light industrial, such as beverage and food,

beverage, wood and plastic manufacturing uses, and commercial uses are generally prohibited in the East Port, South Port and South Port East Districts.

The Interim Control By-law does not include the Lower Don Lands area (Villiers Island, Polson Quay and South River districts). The Interim Control By-law also does not extend to lands owned by Ports Toronto south of the Ship Channel, nor to lands owned by Ontario Power Generation.

The defined land uses listed in the Interim Control By-law are prohibited for a period of one year within the study area, with the potential for a year one extension.

Coordination

The Port Lands Planning Framework and Official Plan Modification are undergoing implementation in parallel with several other large scale projects. These include the Port Lands Flood Protection Project, the Broadview Avenue and Commissioners Street Municipal Class Environmental Assessment (MCEA) , and other projects involving multiple jurisdictions. These complex in-stream projects will have a transformative effect on the future land use, transportation and overall environmental context of the Port Lands.

COMMENTS

When the PLPF and the OPM were adopted on December 8, 2017, City Council directed City Planning staff to undertake a zoning review for the Port and Industrial Districts and to bring forward any zoning amendments to implement the land use direction provided in the PLPF and OPM. The zoning review process has been recently initiated.

Port Lands Interim Control By-law No. 979-2017 provides an appropriate opportunity for the completion of a zoning review study process by ensuring that new development approvals are generally consistent with PLPF direction within the area subject to the By-law, and provides City Council with the ability to ensure that once the zoning review is complete, there are appropriate zoning regulations in place to consider development proposals within the Port Lands in order to achieve the long-term vision set out in the PLPF and OPM.

The Interim Control By-law will expire on October 2, 2018. However, Section 38(2) of the *Planning Act* allows Council to amend an existing ICBL that is in effect for no more than one additional year, for a maximum of two years from the date of passing of the original by-law.

An extension of the Interim Control By-law is required to complete the zoning review and analysis due to the several factors. The study area for the zoning review is over 150 hectares in size and will be in close proximity to planned future mixed use areas, which requires sufficient time and resources to assess adequately. The zoning review will also benefit from consideration of ongoing studies related to transportation, energy, flood protection, environmental quality and precinct planning. Consultation with landowners, users, stakeholders and the public is required during the zoning review process. An

extension would allow staff to integrate these inputs into the updated zoning as appropriate.

The requested extension will apply to Areas 1, 2,3 and 4 as specified in the amended Interim Control By-law shown in Attachment 3. An extension of the Interim Control By-law will not be pursued for Area 5 shown in Attachment 2. A City-initiated rezoning of the site at 675 Commissioners Street to allow a postal sorting station use was adopted by City Council in May 2018. Through By-law 522-2018, the lands known as 675 Commissioners were also removed from the Interim Control By-Law.

CONTACT

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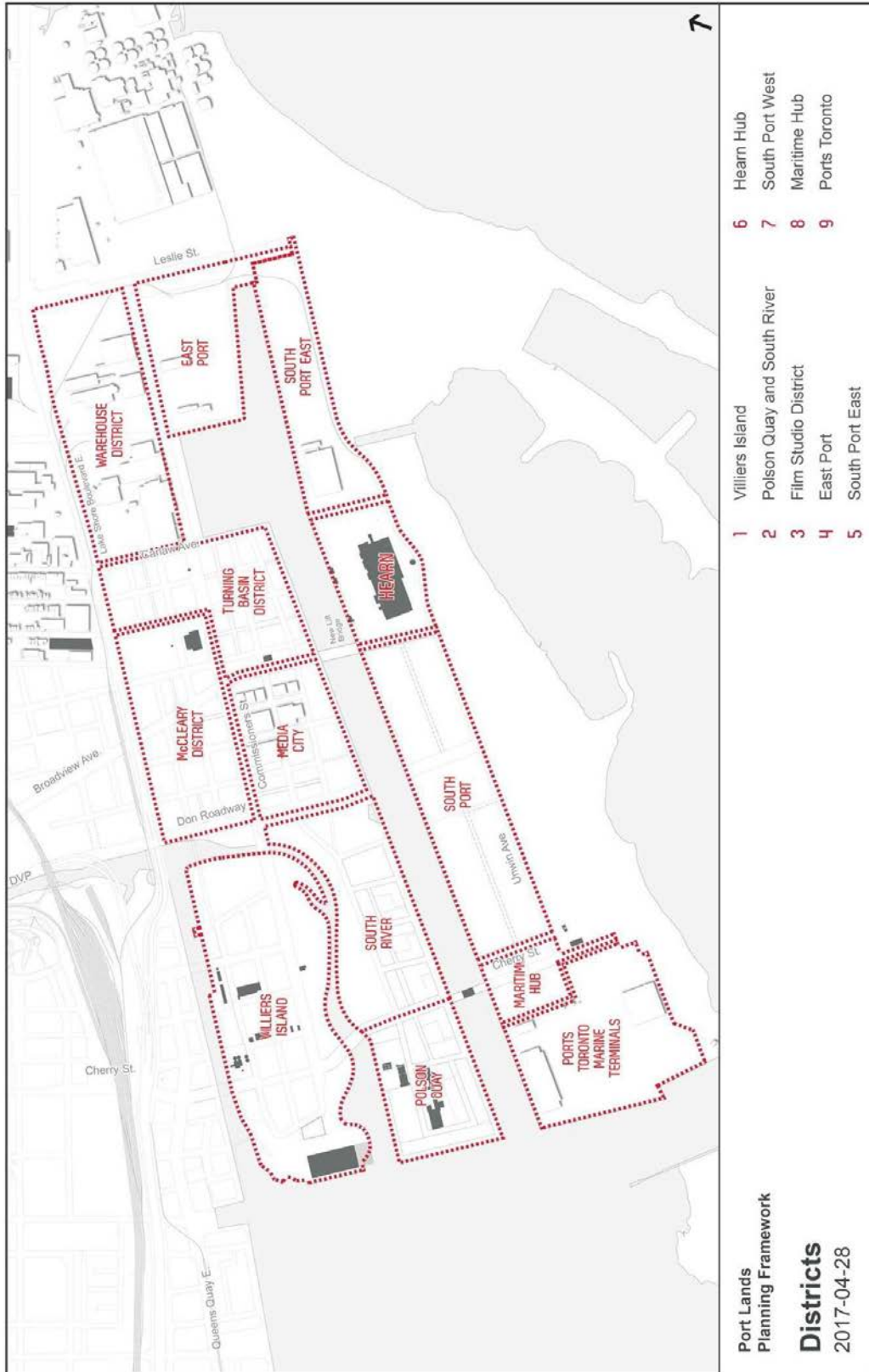
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Port Lands Districts
Attachment 2: Interim Control By-law No. 979-2017 Schedule 2
Attachment 3: Draft By-law: Extension of Interim Control By-law No. 979-2017
Attachment 4: Zoning By-law 438-86

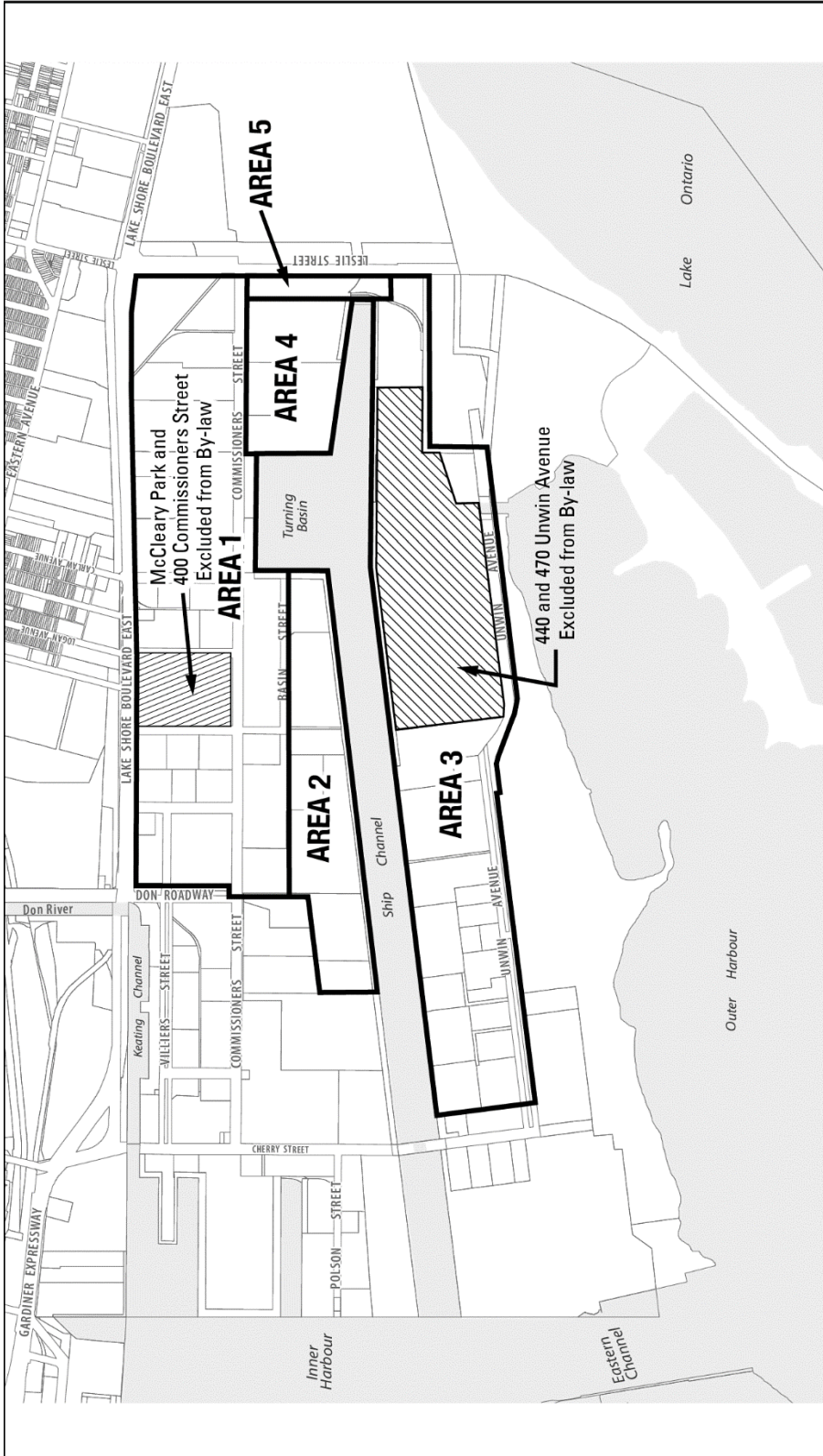
Attachment 1: Port Lands Districts



Port Lands
Planning Framework

Districts
2017-04-28

Attachment 2: Interim Control By-law No. 979-2017 Schedule 2



Toronto
Schedule 2

Port Lands



City of Toronto By-Law 438-86
Not to Scale
02/10/2017

Attachment 3: Draft By-law: Extension of Interim Control By-law No. 979-2017

Authority: Item MM32.51 as adopted by City of Toronto Council on

CITY OF TORONTO

Bill No.

BY-LAW No. ~-2018

To extend the expiration date of Interim Control Bylaw No. 979-2017 for the lands forming a portion of the Port Lands located in the City of Toronto.

WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides that where the Council of the City of Toronto has directed that a review or study be undertaken in respect of land use policies in a defined area, the Council may pass an interim control by-law;

WHEREAS authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass an Interim Control By-law for a period of time which shall not exceed one year from the date of passage of the By-law for such purposes as are set out in the By-law;

WHEREAS Council of the City of Toronto has, by adopting MM32.51 at its meeting of October 2, 3 and 4, 2017, directed that a review be undertaken in respect of the appropriate land uses and size of uses permitted in a portion of the Port Lands located in the City of Toronto; and

WHEREAS subsection 38(2) of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended provides that Council of the City of Toronto may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the Interim Control By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

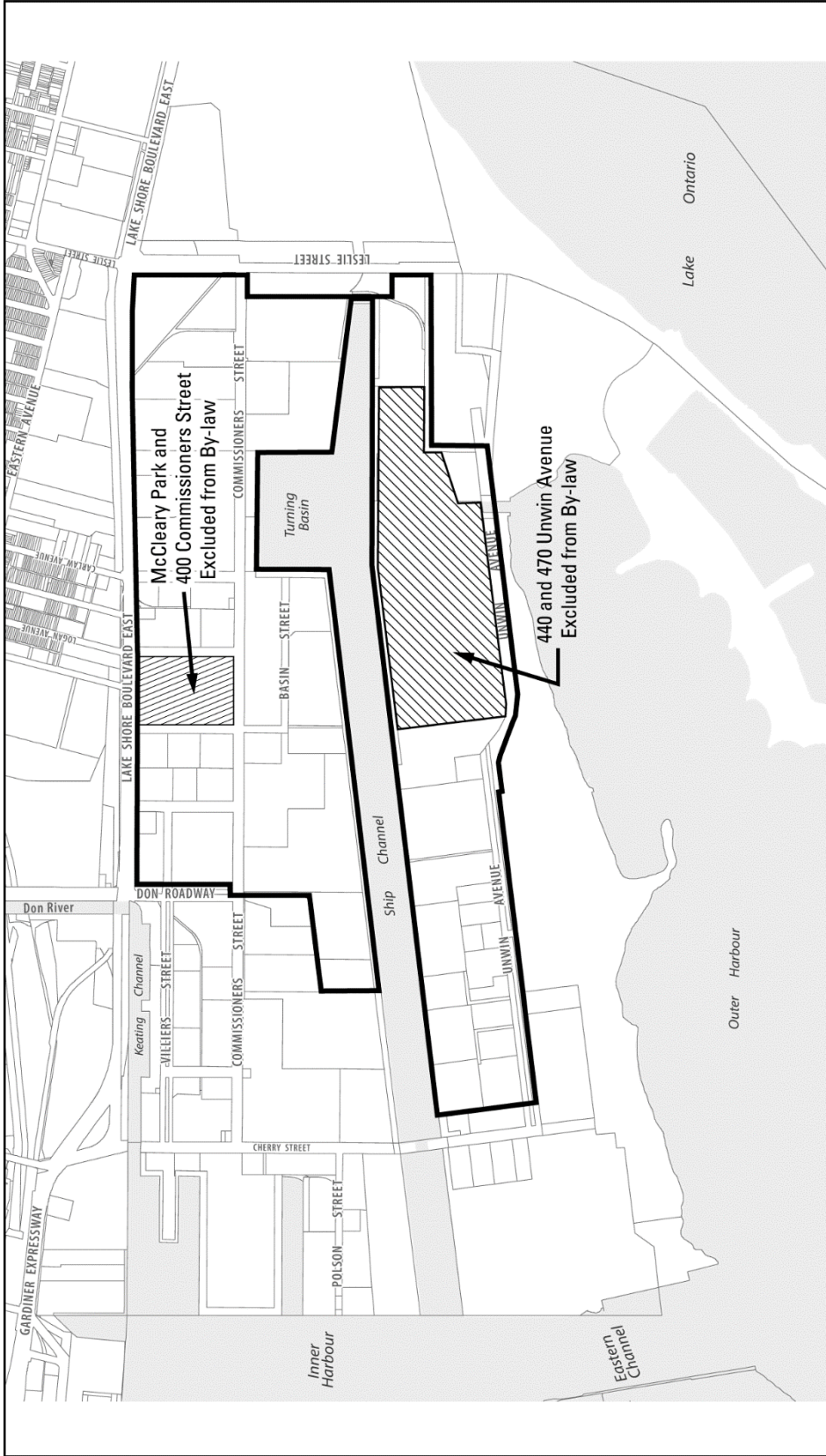
1. By-law No. 979-2017 is amended by deleting from Section 9 the words “one year” and substituting the words “two years”.
2. By-law No. 979-2017 is amended by deleting Section 6 in its entirety and by removing Area 5 from Schedule '2', as shown on the attached Schedule '2'.

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

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)



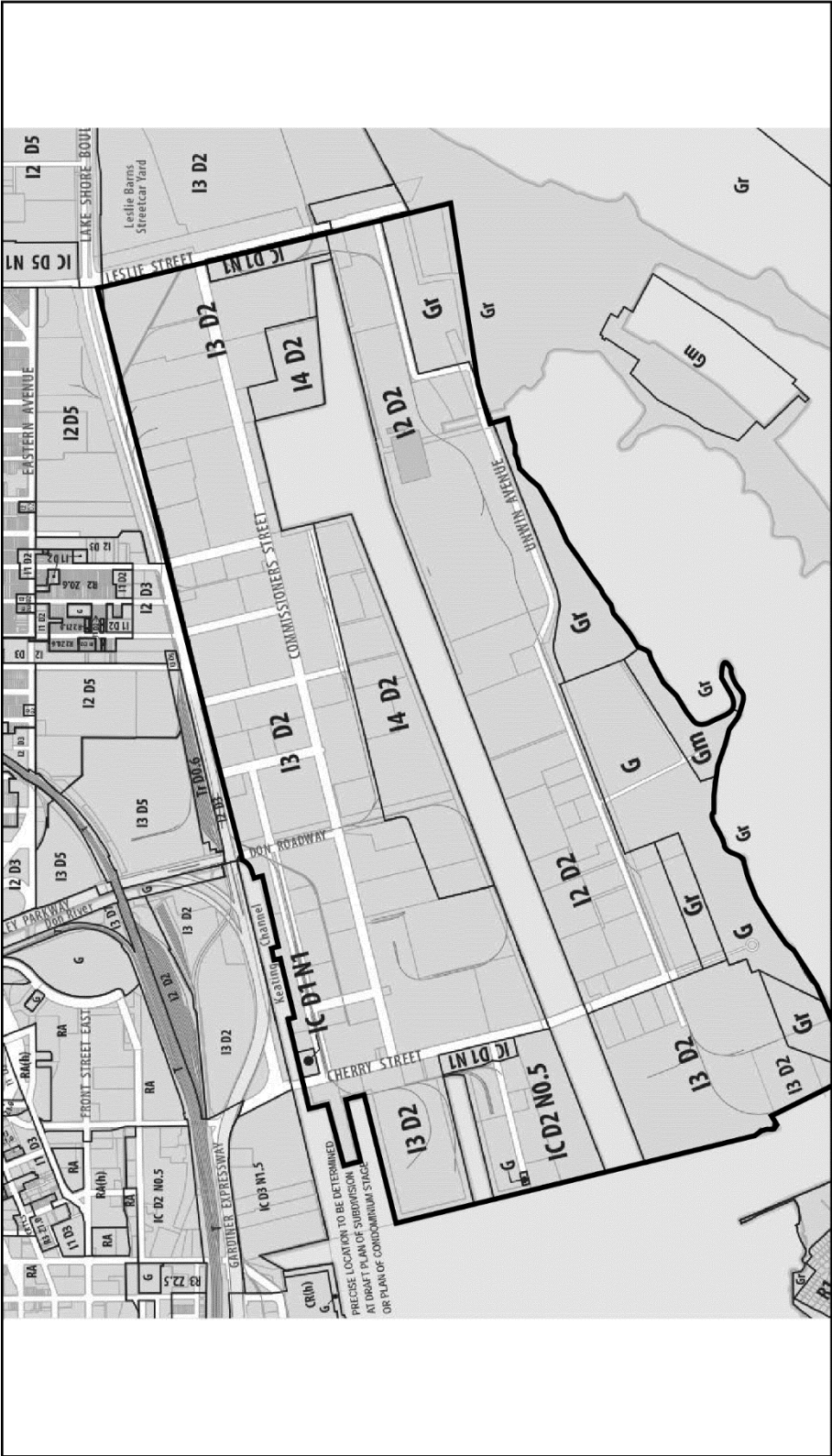
Port Lands

Schedule 1

File # 17 242909 SPS 00 TM

City of Toronto By-Law 438-86
 Not to Scale
 04/27/2018

Attachment 4: Zoning By-law 438-86



Toronto
Zoning

Port Lands

City of Toronto By-Law 438-86
Not to Scale
02/10/2017

