

324 Cherry Street 429 Lake Shore Boulevard E (Block 1) – Zoning Amendment Application (Removal of the Holding Symbol "H") – Final Report

Date: September 15, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 10 - Spadina-Fort York

Planning Application Number: 21 149632 STE 10 OZ

SUMMARY

This application proposes to remove the holding symbol ("h") from Zoning By-law 1174-2010 for a portion of the lands at 429 Lake Shore Boulevard East and 324 Cherry Street (Block 1), to permit the development of a 11-storey commercial office building.

All of the conditions for the removal of the holding symbol ("h") included in the Zoning By-law 1174-2010 have been satisfied for this phase of development.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application and that the amending by-law be brought forward to Council for enactment.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 1174-2010, for the lands at 324 Cherry Street and 429 Lake Shore Boulevard East and substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.1 to this report (September 15, 2021) 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. City Council authorize the introduction of the necessary Bill by the City Solicitor for enactment by City Council upon receipt of confirmation from the Chief Planner and Executive Director, City Planning Division that all outstanding conditions for the removal of the holding symbol ("h") as set out in Zoning By-law 1174-2010 Section 3. (qq) (i) through to (xiii), and Appendix 1. Section 10 have been satisfied.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

Keating Channel and East Bayfront Settlements

The City of Toronto approved the Central Waterfront Secondary Plan in April 2003 and subsequently zoning by-laws for the East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010). Within these two precincts there were a total of 6 private land owner appellants to the Central Waterfront Secondary Plan and area specific By-laws.

City Council, at their meeting on November 19, 2013, provided direction to staff regarding resolution of several outstanding appeals of the Central Waterfront policies of the 2006 Official Plan and Central Waterfront Secondary Plan, as well as East Bayfront – West Zoning By-law No. 1049-2006 and Keating Channel – West Zoning By-law No. 1174-2010.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.41>

Subsequently City Council adopted a series of reports dealing with various aspects of the proposed East Bayfront and Keating Channel settlements, as noted below:

March 20, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.17>

May 6, 7 and 8, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.46>

July 8, 9, 10 and 11, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.19>

August 25, 26, 27 and 28, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC55.13>

December 11, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC2.5>

City Council, at its meeting on February 3 and 4, 2016, directed staff to change the terms of settlement for East Bayfront and Keating Channel Local Planning Appeal Tribunal (LPAT) appeals to the Central Waterfront Secondary Plan, including 324 Cherry Street and 429 Lake Shore Boulevard East, based upon proposals from the appellants. City Council directed staff to conclude settlement negotiations based upon the "Confidential Attachment".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC12.13>

A draft plan of subdivision application (File No. 16 271924 STE 28 SB) was received on December 30, 2016 for 324 Cherry Street and 429 Lake Shore Boulevard East and proposes to subdivide the 5.76 hectare site into seven blocks. This application establishes the primary street network, including two new public north-south streets, two new public east-west streets, five development blocks, and two park blocks that collectively provide approximately 0.35 hectares of waterfront promenade parkland. These lands are subject to the implementing by-laws resulting from the settlement for Zoning By-law No. 1174-2010 discussed above.

On November 27, 2017, the owner of 324 Cherry Street and 429 Lake Shore Boulevard East appealed their subdivision application to the LPAT on the grounds that the approval authority has failed to make a decision on the application within the prescribed timelines of the Planning Act. At the time of the appeal, the City Planning Division took the position that the Draft Plan of Subdivision Application No. 16 271924 STE 28 SB was a premature application as it did not adequately reflect and incorporate a range of City-building projects that are within or directly adjacent to the site.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.16#>

Three prehearing conferences were held, and a virtual LPAT mediation process between the City and the applicant took place over three sessions in the summer of 2021. The mediations were successful with both parties agreeing to proceed to a settlement hearing on Draft Plan of Subdivision Application No. 16 271924 STE 28 SB in early fall 2021. A small number of unresolved issues were removed from the original appeal for further discussion between the parties and are subject to future Ontario Land Tribunal ("OLT", formerly LPAT) hearing dates as necessary.

On October 8, 2019, a Site Plan Control application (File No. 19 233721 STE 10 SA) was submitted by the applicant for an 11 storey office building for the first phase of development. This application is being reviewed concurrently and in coordination with the draft plan of subdivision application. A minor variance application (File No. A0638/21 TEY) has also been submitted to the Committee of Adjustment and is under review.

PROPOSAL

The application seeks to amend Zoning By-law 1174-2010, to remove the holding symbol ("h") from Block 1 of the 324 Cherry Street development. The removal of

the holding symbol ("h") will enable the construction of an 11 storey commercial office building. Blocks within the remainder of 324 Cherry Street and 429 Lake Shore Boulevard East will continue to be subject to holding symbols ("h").

A draft plan of subdivision application (File No. 16 271924 STE 28 SB) proposes to subdivide the 5.76 hectare site into seven blocks. The subdivision establishes the primary street network, including two new public north-south streets, two new public east-west streets, five development blocks, and two park blocks that collectively provide approximately 0.35 hectares of waterfront promenade parkland.

Site and Surrounding Area

The site is located within the Keating Channel Precinct, a human-made industrial land area created through lake fill in the late 1880s. It is east of Toronto's downtown between the Lower Don and Parliament Slip, north of the Keating Channel and south and west of Lake Shore Boulevard East.

The site at 324 Cherry Street and 429 Lake Shore Boulevard East is bounded by Lake Shore Boulevard East and the Martin Goodman Trail to the north, Cherry Street to the east, Keating Channel to the south and 351-369 Lake Shore Boulevard East to the west. It has a total area of approximately 57,600 square metres or 5.76 hectares and is generally flat..

Most of the site is vacant and used as storage and surface parking for cars, trucks and larger vehicles. Adjacent to Keating Channel, there is an area used for boat storage. The site had previously been used as a National Iron Works complex which was demolished in the 1980s.

Reasons for Application

A holding symbol ("h") was placed on the lands until such time as the conditions for the removal of the "h" had been fulfilled to the satisfaction of City Council. Zoning By-law 1174-2010 Section 3 (qq) (i) through to (xi) requires that a set of conditions for Block 1 be satisfied prior to the removal of the holding symbol ("h"). These conditions include:

- Plans detailing infrastructure and servicing requirements for Phase I;
- A streets and blocks plan and implementation scheme;
- Any required conveyances and road widenings required to service Phase I;
- A phasing plan illustrating sequences for development phases and allocation of infrastructure; and

- Submission of a site plan application that includes studies addressing wind, built form continuity, soil and groundwater, Toronto Green Standard, flood protection, noise and vibration and other technical reports.

APPLICATION BACKGROUND

Application Submission Requirements

- The following reports/studies were submitted in support of the application:
- Completed 2021 Development Application form, dated July 27, 2021;
- Completed Project Data Sheet, dated July 27, 2021;
- Site Specific Zoning By-law No. 1174-2010;
- Functional Servicing and Stormwater Management Report, prepared by IBI Group Ltd., dated April 14, 2021;
- Site Servicing Conceptual Phasing Description Letter, prepared by IBI Group, dated April 15, 2021;
- Urban Transportation Considerations Report, prepared by BA Group, dated October 7, 2019;
- Transportation Consideration Update Letter, prepared by BA Group, dated April 8, 2021;
- 3C Waterfront Master Plan;
- Draft Plan of Subdivision Survey, prepared by KRCMAR Surveyors, dated July 21, 2012;
- Architectural Plans, as prepared by Adamson Architects, dated April 5, 2021,
- Site Servicing Plan (SS-01), as prepared by IBI Group, dated April 14, 2021:
- Geotechnical Investigation Report, as prepared by WSP, dated October 7, 2019;
- Hydrogeological Investigation, prepared by WSP, dated April 1, 2021;
- Environmental Noise and Vibration Feasibility Study, as prepared by HGC Engineering, dated November 21, 2019;

- Environmental Noise and Vibration Feasibility Study Review Letter, as prepared by Wood Bull LLP, dated January 2020;
- Pedestrian Level Wind Study Addendum, prepared by Gradient Wind, dated March 17, 2021;
- Phase 1 Environmental Site Assessment, prepared by WSP, dated August 2018;
- Phase 2 Environmental Site Assessment, prepared by WSP, dated August 2018;
- Environmental Response Letter, prepared by WSP, dated March 18, 2021;
- Energy Efficiency Report, prepared by Footprint, dated October 3, 2019;
- Toronto Green Standards Checklist and Statistics Template;
- District Energy Response Letter, prepared by Footprint, dated March 29, 2021;
- Waterfront Design Review Panel Minutes of Meeting #133, dated April 22, 2020;
- Commenting Letter, prepared by Toronto and Region Conservation Authority, dated January 22, 2020; and,
- Computer Generated Mass Model, prepared by Adamson Associates Architects, dated April 20, 2021;
- Phasing Plan, generated by Castlepoint Numa, Dated August 17, 2021.

Agency Circulation Outcomes

The application together with the applicable reports noted above, has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate Zoning By-law.

Community Consultation

A Community Consultation Meeting is not required for Lifting the H applications. Notice is given to the owner under the Planning Act for the Statutory Public Meeting.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the

Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Official Plan

The former City of Toronto Official Plan is in force on the subject site and designates the site East Bayfront on Map 1. Further, the site is located within the East Bayfront District on Map 9 of the former City of Toronto Official Plan.

In addition, the site is located within the Lower Don Lands Special Policy Area, as shown on Map 3 of the former City of Toronto Official Plan, and is subject to flood risk. Development on lands designated Special Policy Area (SPA) within Keating Channel may not be permitted until flood remedial works are completed to flood protect the lands and enable comprehensive renewal. The lands must be flood protected to at least the level of a 1:350 flood, subject to review and approval by the Toronto and Region Conservation Authority (TRCA).

The Central Waterfront Secondary Plan (CWSP), which was adopted by City Council in 2003 as an amendment to the former City of Toronto Official Plan, represents Council policy to guide revitalization in the Central Waterfront. The CWSP is in force for 324 Cherry Street and 429 Lake Shore Boulevard East. The CWSP is premised on four key principles:

- Removing barriers and making connections;
- Building a network of spectacular waterfront parks and public spaces;
- Promoting a clean and green environment; and
- Creating dynamic and diverse new communities.

The CWSP Official Plan Modification, which was part of the Local Planning Appeal Tribunal Minutes of Settlement for the subject site, included Policy P54 and Maps H1 and H2 (see Attachment 3), which are specific to Keating Channel – West Precinct.

The Toronto Official Plan, 2006 is not in force for the Central Waterfront, inclusive of the Keating Channel Precinct - West. It does, however, reflect Council's current land use direction for the Central Waterfront. Under the Toronto Official Plan, the subject property is within the Downtown and Central Waterfront on Map 2 – Urban Structure and is designated Regeneration Areas on Map 18 – Land Use Plan. The subject property is also partially covered under Special Policy Area 7 – Lower Don: Don River, on Map 11. Policies 3.4.5 and 3.4.11 b) within Chapter 3 of the Official Plan address development criteria within this floodplain Special Policy Area.

Keating Channel Precinct Plan

The Keating Channel Precinct Plan, for the lands to the west of, and including, Cherry Street, was endorsed by City Council in 2010. The Keating Channel Precinct Plan provides detailed planning direction to guide the development of this former industrial area into a new sustainable, walkable and connected mixed-use residential community with great parks and open spaces along with a distinct water's edge promenade.

In accordance with the Central Waterfront Secondary Plan, all future development applications in Keating Channel-West will be required to address the vision, guiding

principles and strategies, and guidelines for Keating Channel established through the Precinct Plan.

Zoning

The harmonized city-wide Zoning By-law does not apply to this site. The former City of Toronto Zoning By-law 438-86 and Keating Channel – West Zoning By-Law No. 1174-2010 are in force, and zones the subject site Commercial Residential (CR(h)) and Parks and Open Space(G(h)).

Site Plan Control and Draft Plan of Subdivision

A Site Plan Control application (File No. 19 233721 STE 10 SA) has been submitted for an 11 storey office building for the first phase of development. A Draft Plan of Subdivision application (File No. 16 271924 STE 28 SB.) was also submitted and is currently being finalized through an Ontario Land Tribunal mediation process. The Chief Planner has delegated authority for Plans of Subdivision under By-law 229-2000 as amended. Both applications are being reviewed concurrently and in coordination with each other.

COMMENTS

Staff from City divisions and agencies have worked closely with the applicant's consulting team on addressing the conditions in Zoning By-law 1174-2010 for the removal of the holding symbol ("h") to facilitate the development of the proposed 11 storey office building. The status of the conditions is as follows.

Section 3. (qq) (i.), (ii.)

Infrastructure, Servicing and Streets and Blocks

The application has demonstrated that infrastructure and servicing requirements to meet Phase I of the subdivision registration are adequately met. The streets and blocks plan in the Draft Plan of Subdivision Survey (July 21, 2021) and the corresponding implementation scheme are satisfactory. No conveyances for roads for Phase I are needed. No widening for Lake Shore Boulevard East is requested at this time.

Section 3. (qq) (iii.)

Phasing

The owner has provided a Phasing Plan (August 17, 2021) to the satisfaction of the City which addresses the sequencing of development phases and how they fit within the proposed phased registration of the subdivision for the subject lands.

Section 3. (qq) (iv.)

Site Plan

The owner has submitted a site plan application to the City in accordance with the requirements of Appendix 1, Section 10. In order to meet the requirements of this section, the applicant provided the following:

- A three-dimensional computer model addressing built form continuity
- A wind study that outlines the appropriate wind mitigation measures;
- a soil and groundwater management strategy prepared by a qualified consultant which demonstrates that contaminated soil and groundwater can be adequately managed in a manner consistent with Provincial regulations;
- Information demonstrating compliance with Toronto Green Standard Tier 1;
- Plans demonstrating the provision to connect to a district energy system at a future date;
- Correspondence indicating unanimous support from the Waterfront Design Review Panel;
- Written confirmation from the Toronto and Region Conservation Authority that outlines they have no objection to the development proceeding, subject to the applicant receiving applicable permits and the progress of the Port Lands Flood Protection and Enabling Infrastructure.

Other requirements set out in Zoning By-law 1174-2010 do not apply to non-residential development proposals.

A noise and vibration study was also submitted to the City. This study was peer reviewed and deemed appropriate for this proposal for an office building with no sensitive uses. This study was provided to the owner of the cement facility on Polson Street, who in turn provided comments to the City and agreed with the conclusions of the study as it relates to this phase of development.

Conclusion

The application to amend Zoning By-law 2010-1174 to remove the holding symbol ("h") from the lands at 324 Cherry Street (Block 1) will facilitate the development of an 11 storey commercial office building. All of the conditions for the removal of the holding symbol ("h") have been satisfied for this phase of development.

It is appropriate to direct staff to bring forward the amending by-law. A draft of the amending zoning by-law to remove the holding symbol ("h") is included in Attachment 1.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA, Director
Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

Toronto

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-law No. 1174-2010, as amended by [insert the amending by-law no.], to remove the holding symbol (H) with respect to the lands known municipally in the year 2020 as 324 Cherry Street and 429 Lake Shore Boulevard

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:

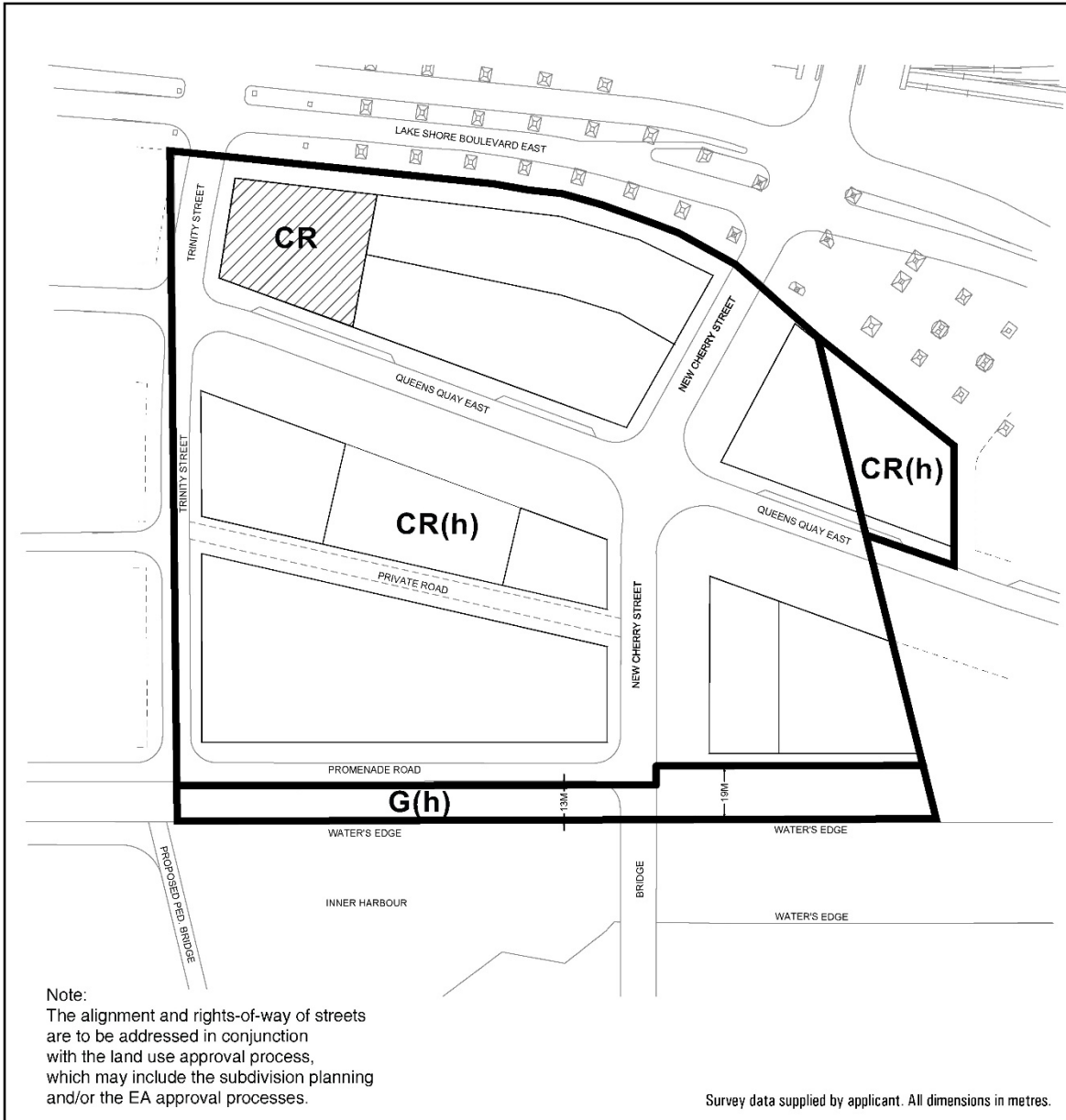
1. Map A is amended by removing the holding symbol (H) from the lands shown on the attached Schedule '1'.

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

JOHN TORY, Mayor	ULLI S. WATKISS City Clerk
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(Corporate Seal)

SCHEDULE '1'



429 Lake Shore Boulevard East
and 324 Cherry Street

Map A - Area where 'h' is to be removed

File # 10 117319

Area where 'h' is to be removed



Not to Scale
08/17/2021