

324 Cherry Street and 429 Lake Shore Boulevard East- Public Art Strategy

Date: May 4, 2022
To: Toronto East York Community Council
From: Director, Urban Design, City Planning Division
Wards: Ward 10 – Spadina-Fort York

Planning Application Number: 21 149632 STE 10 OZ

SUMMARY

The purpose of this staff report is to seek City Council approval of the 324 Cherry Street and 429 Lake Shore Boulevard East - Public Art Strategy . These lands are also known as "3C". The Strategy, which is included as Attachment 1 of this report, outlines the method by which the owner will commission public art within the privately-owned area of the site.

The Public Art Strategy provides a framework and description of the commissioning of public art including: introduction and background; public art guidelines and approach; overview of public art opportunities; artist selection and commissioning strategies for public art; the jury; the mentorship program; potential public art sites; proposed community arts initiative; conceptual phasing strategy and block characteristics; potential public art approaches/per conceptual phase; budget administration; appendix a) estimated 1% of public art budget; b) 3C master plan; c) site specific zoning by-law and d) master section 37 agreement.

The attached strategy meets the objectives of the City's Percent for Public Art Guidelines and is supported by the Toronto Public Art Commission.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve 324 Cherry Street and 429 Lake Shore Boulevard East - Public Art Strategy as attached (Attachment 1) to the report dated May 4, 2022 from the Director, Urban Design.

FINANCIAL IMPACT

The recommendation in this report has no financial impact.

PROPOSAL

The proposal is in the Keating Channel precinct, a human-made industrial land area created through fill in the 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.

The site, 324 Cherry Street and 429 Lake Shore Boulevard East is bounded by Lake Shore Boulevard and the Martin Goodman Trail to the north, Cherry Street to the east, Keating Channel to the south and 351-369 Lake Shore to the west. It has a total area of approximately 57,600 square metres or 5.76 hectares and is generally flat. The lands form a connection to the existing waterfront developments and public spaces including: the Distillery District, East Bayfront the Silos Site and Villiers Island and Port Lands.

The Public Art Strategy strives to reinforce connections between the proposed mixed-use development with existing and future neighbourhoods. The Strategy provides a framework for the implementation of the art program on this seven-phase development, and guidance for the more detailed public art plans that will be required for each phase of the development. The Strategy is informed by the over-arching principles, goals and objectives outlined in the Draft Villiers Island & Keating Channel Public Art Master Plan which is being developed by Waterfront Toronto in partnership with the City.

The public art goals and objectives of this Strategy were developed in the same spirit as those expressed in the Villiers Island & Keating West Public Art Master Plan. There will be commissions unique to the 3C neighbourhood that are distinct to this community, but also reinforce the long-term goals and objectives of the City and Waterfront Toronto as the eastern waterfront continues to be developed and revitalized.

The Public Art Strategy is a high-level document intended to evolve in its specificity over the next decade. The developer, 3C Lakeshore Inc., will also work with the City and Waterfront Toronto to identify potential opportunities for public art projects on public land (i.e. the water's edge as an art location and other potential sites). These public art locations will be identified as part of the phase-specific Public Art Plans for each phase of the development and will promote connections to Lake Ontario on publicly accessible land. The southern edge of the 3C lands is a continuation of the City's distinctive water's edge promenade that provides for pedestrian connection along Toronto's waterfront.

HISTORY AND CONTEXT

Official Plan

Under the City of 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.

Central Waterfront Secondary Plan

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.

Policy (P14) requires a coordinated Central Waterfront public art program for both public and private developments. Section 2: Implementation includes Policy 2.2(x) which require Percent Plans to include public art and urban design standards and guidelines for both public and private developments.

The CWSP Official Plan Amendment, which was part of the LPAT Minutes of Settlement for the subject site, included Policy P54 and Maps H1 and H2, which are specific to Keating Channel – West Precinct.

Keating Channel Precinct Plan

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.

The Keating Channel Precinct Plan, which was adopted by City Council on July 6, 2010 for Keating Channel West only, recommended 7 development blocks on the 3C Site. The built form for 3C was predominantly mid-rise, with a 37 storey point tower and two 14 story base towers proposed on the blocks adjacent to the Lake Shore Boulevard East and one 37 storey point tower on the east corner block, adjacent to Cherry Street and Keating Channel.

The Keating Channel Precinct Plan, within the Phasing and Implementation section, identified the need for the development of a Precinct-wide Public Art Plan at a later date.

Keating Channel West Zoning By-law 1174-2010

Within the original Zoning By-law 1174-2010, the 3C site is zoned CR(h), with a 19 m wide water's edge promenade adjacent to Keating Channel zoned G, representing the Water's Edge Promenade. The maximum density permitted was 166,600 square metres of residential, with a total combined GFA of 222,140 square metres.

The City has negotiated Minutes of Settlement for the 3C site over a four year period. Draft Minutes of Settlement were filed with the LPAT on June 22-24, 2016, which included draft CWSP amendments, a zoning by-law amendment, and a Section 37 agreement which secured contributions of 1% of the building construction cost for public art.

As required by the Section 37 agreement, public art was secured when the application for the first phase of the 3C development (known as PL1) was submitted. The development application was also reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 3 - Building a Successful City

Section 3.1.4 Public Art

Policy 1. e) encouraging the inclusion of public art in all significant private sector developments across the city.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Percent for Public Art Program Guidelines

City Planning secures public art opportunities in the public realm as part of the review and approvals of development proposals. The Percent for Public Art Program originated in 1985 and has been reinforced through subsequent Official Plan policies. The name of the program is derived from the principle that one percent of a project's gross construction costs is dedicated to public art.

City of Toronto Public Art Strategy (2020 – 2030)

The Toronto Public Art Strategy (2020-2030) sets out a ten-year plan to enhance the City's commitment to public art. The Strategy includes 21 actions to advance public art across the city, and heighten the impact of the City's public art programs for the benefit of all residents and visitors.

APPLICATION BACKGROUND

At its meeting of July 6-8, 2010, City Council adopted the staff report from the Deputy City Manager, entitled "Lower Don Lands Project", dated May 31, 2010. This report sought City Council support for a number of studies and plans completed by Waterfront Toronto and the TRCA, including the Keating Channel Precinct Plan (May 2010) as it relates to lands west of and including Cherry Street. The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX45.15>

At its meeting of August 25-27, 2010, City Council adopted Zoning By-law 1174-2010 which facilitates the development of the Keating Channel Precinct West. The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX45.15>

The proposed resolution to the outstanding appeal of the Central Waterfront policies of the 2006 Official Plan, Central Waterfront Secondary Plan, East Bayfront – West Zoning Bylaw No. 1049-2006 and Keating Channel –West Zoning Bylaw No. 1174-2010 and commenced in September 2013 and were reported to Council in an 'Information Report' to the November 19, 2013 meeting of Toronto and East York Community Council.

<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 & 4, 2016, directed staff to change the terms of settlement for East Bayfront and Keating Channel LPAT appeals to the Central Waterfront Secondary Plan, including 324 Cherry Street & 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>

324 Cherry Street 429 Lake Shore Boulevard E (Block 1) - Zoning Amendment Application (Removal of the Holding Symbol "H") - Final Report was adopted at Council on November 9, 10 and 12, 2021 without amendments and without debate.

For more information:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE28.2>

324 Cherry Street and 429 Lake Shore Boulevard East - Technical Amendment to the Zoning By-law - Final Report was adopted at Council on November 9, 10 and 12, 2021 without amendments and without debate.

For more information:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE28.3>

The Master Section 37 Agreement dated May, 2017 for the 3C Lands was approved at the Ontario Land Tribunal via settlement with the City and Waterfront Toronto.

Section 5.3 of site-specific registered Master Section 37 Agreement requires the owner to: “provide a contribution of 1% of gross construction costs of all buildings and structures, not including buildings and structures used for the purposes of Affordable Rental Housing, towards a combination of Public Art and Community Arts Initiatives to the satisfaction of the Chief Planner (the "1 % Contribution") in consultation with the Ward Councillor and Waterfront Toronto (but not any successor thereto), provided that the Owner may satisfy any or all of this obligation at any time by the payment of funds to the City for the City's capital budget for Public Art.”

As contemplated in the site-specific Official Plan Amendment and Zoning Bylaw Amendment Settlement process, at its election and in consultation with the City and Waterfront Toronto, 3C Lakeshore Inc. has the opportunity to allocate the 1% Contribution on a building-by-building basis towards: 1. Public art on site, 2. Community Art Initiative on-site, 3. the Waterfront Toronto Public Art Program and 4. The City's capital budget for public art. They can also have the ability to pool the 1% Contribution as long as the amount is secured in the Phase Specific Section 37 Agreement.

It is anticipated that 3C Lakeshore Inc. will allocate all or the majority of the 1% contribution on-site within their 324 Cherry Street and 429 Lake Shore Boulevard property. Future phase-specific public art plans for the site may consider allocating a portion of the 1% contribution to public art along the water's edge promenade (parkland) adjacent to the 324 Cherry Street and 429 Lake Shore Boulevard property.

COMMENTS

The proposed public art locations will be prominently located, accessible and visible on this multi-phased development. The general locations are as seen in the Public Art Strategy, Attachment 1. These locations are supported by City Planning staff and the Toronto Public Art Commission. This is a high-level strategy that will evolve as the phase-specific public art plans are developed. These phase-specific plans will be in keeping with the requirements of the Percent for Public Art program, Toronto Public Art Commission recommendations and Council approval. This process has been identified in this Strategy and the master S37 agreement and will be further secured in future phase specific legal agreements, prior to the first building permit for any given phase that is advanced through site plan approvals.

The Public Art Strategy describes several options for the selection of artists that is proposed for all seven phases of the development. These methods are in keeping with the Percent for Public Art Program requirements and meet the City's objectives for outreach, independent jury composition with a majority of art expertise, and engagement of artists.

The jury composition for each of the phases will consist of a minimum three (3) people, five (5) preferably and seven (7) maximum. The jury will be drawn from a list of a majority of art experts, with one or more living or working in the ward, and one (1) representative of the owner team. In addition, the jury should strive to include representation from self-identifying Indigenous (First Nations, Inuit and Métis), Black, Persons of Colour

(BIPOC), persons from LGBTQ2+ communities, persons with disabilities and/or other marginalized groups. This decision-making process will be inclusive of a broad range of voices, reflecting the diversity of the arts sector and the population of the Toronto.

The selection process, with a majority of art experts, is in keeping with the City's Percent for Public Art Guidelines. As per the city guidelines, City Planning, Waterfront Toronto and Economic Development will not be part of the jury but will be consulted throughout the process to ensure consistency with the neighbouring context and art programs.

The Strategy includes a mentorship program to provide young artists with an opportunity to gain experience through this public art process.

The estimated budget allocation for the art, administration and maintenance is described in the Public Art Strategy which is in compliance with the City's Percent for Public Art Guidelines.

This proposal is supported by City Planning staff. It was presented to the Toronto Public Art Commission at its meeting on November 3, 2021, where it gained support.

Conclusion

The 324 Cherry Street and 429 Lake Shore Boulevard East - Public Art Strategy is in compliance with the City's objectives for the provision of public art associated with the development.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Public Art Strategy