

Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Supplementary Report

Date: May 29, 2024

To: Planning and Housing Committee

From: Interim Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

On October 26, 2023, the Planning and Housing Committee deferred consideration of Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Final Report (Item PH6.3). The Committee directed the Chief Planner and Executive Director, City Planning to report to a future meeting of the Planning and Housing Committee so that City Council considers the Decision Report on the employment area conversion at the same time as the East Harbour Transit Oriented Community report is considered.

Executive Committee will consider a report on the East Harbour Transit Oriented Community and Draft Plan of Subdivision Application at its meeting on June 18, 2024. This timing will allow City Council to consider both reports at its meeting of June 26-28, 2024.

The report recommendations listed in the September 14, 2023, report from the Chief Planner and Executive Director, City Planning on Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Final Report (Item PH6.3) are re-stated below for ease of reference. An additional recommendation has been added to address the Lower Don Special Policy Area (SPA) and Lower Don Protocol.

RECOMMENDATIONS

The Interim Chief Planner and Executive Director recommends that:

1. City Council adopt Official Plan Amendment 683 substantially in accordance with Attachment 1 to the report from the Chief Planner and Executive Director, City Planning (dated September 14, 2023).

2. City Council authorize the Chief Planner and Executive Director, City Planning to seek approval of the Minister of Municipal Affairs and Housing of Official Plan Amendment 683 under Section 26 of the *Planning Act*.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the recommended Official Plan Amendment 683 as may be required.
4. City Council declare by resolution to the Minister of Municipal Affairs and Housing that Official Plan Amendment 683 conforms with Provincial Plans or does not conflict with them; has regard to the matters of Provincial Interest in Section 2 of the *Planning Act*; and is consistent with policy statements issued under subsection 3(1) of the *Planning Act*.
5. City Council request that the Minister of Municipal Affairs and Housing review OPA 683 under the current in-effect Provincial Policy Statement 2020 and Growth Plan for the Greater Golden Horseshoe 2020.
6. City Council request that the Minister of Municipal Affairs and Housing withhold any approval of OPA 683 until dual ministerial approval has been obtained from the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry, consistent with the Provincial Policy Statement, 2020, and Lower Don Protocol, including amending Attachment 3 of the Lower Don Protocol to identify it as a Priority Project if necessary.

FINANCIAL IMPACT

The financial implications resulting from the recommendations included in this report are set out in the Final Report dated September 14, 2023 ([Item PH6.3](#)).

DECISION HISTORY

On May 22, 2024, City Council adopted Item EX14.1 – Consolidated Reporting on the East Harbour Transit Oriented Community Negotiations. City Council directed City staff to report to Executive Committee on all aspects of the East Harbour Transit Oriented Community negotiations. The recommendations include amending City Council's procedures to allow Executive Committee to hold the statutory public meeting on the East Harbour draft Plan of Subdivision, thereby allowing Executive Committee and Council to consider all elements of the East Harbour negotiations at the same time. City Council also reiterated its request for 20 percent affordable housing on the East Harbour Transit Oriented Community Proposal.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.EX14.1>

On October 26, 2023, the Planning and Housing Committee deferred consideration of Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Final Report. The Committee directed the Chief Planner and Executive Director, City Planning to report to a future meeting of the Planning and

Housing Committee so that the final report on the employment area conversion is considered by City Council at the same time as the East Harbour Transit Oriented Communities report, and that no further notice of special public meeting is required for the East Harbour conversion final report.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH7.10>

On October 11, 2023, City Council considered Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Final Report and referred the item back to the Planning and Housing Committee.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH6.3>

On September 28, 2023, the Planning and Housing Committee considered Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Final Report and adopted staff's recommendations without amendment.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH6.3>

Additional information can be found in Attachment 3's Decision History of Our Plan Toronto: Recommendations on the East Harbour Employment Area Conversion Request - Final Report from the Chief Planner and Executive Director, City Planning (dated September 14, 2023).

<https://www.toronto.ca/legdocs/mmis/2023/ph/bgrd/backgroundfile-240085.pdf>

On April 27, 2018, the City and the Minister of Municipal Affairs and Housing and Minister of Natural Resources and Forestry entered into the Lower Don Protocol regarding the Lower Don Special Policy Area (SPA), which applies to the lands affected by the existing flood plain. The Protocol is intended to address land use planning and development approvals in the Lower Don SPA in a manner that is consistent with the Provincial Policy Statement.

COMMENTS

In August 2021, Cadillac Fairview submitted an employment area conversion request for the lands known in 2022 as 21 Don Valley Parkway, 30 Booth Avenue, 375 Eastern Avenue and 385 Eastern Avenue (East Harbour) to be considered as part of the City's Municipal Comprehensive Review (MCR).

On April 8, 2022, the Minister of Municipal Affairs and Housing made a Minister's Zoning Order per Ontario Regulation 329/22 ('MZO') for the East Harbour lands. The MZO permits residential uses on specific portions of the East Harbour lands designated *Core Employment Areas* and *General Employment Areas*, in addition to the existing employment development permissions. <https://www.ontario.ca/laws/regulation/r22329>

Staff recommended Official Plan Amendment 683 for the East Harbour conversion request implements and aligns to the MZO for the lands granted by Province.

Executive Committee will consider the report on the East Harbour Transit Oriented Community and Draft Plan of Subdivision Application at its June 18, 2024, meeting. Consideration of the Employment Areas Conversion Request Report at the June 13,

2024, Planning and Housing Committee would allow for both reports to be considered by City Council at its meeting of June 26-28, 2024.

With respect to the East Harbour conversion requests, the Planning and Housing Committee commenced a Statutory Special Public Meeting on September 28, 2023, that continued on October 26, 2023, and notice was given in accordance with the Planning Act. As per the deferral motion adopted by the Planning and Housing Committee, no further notice of special public meeting is required for the East Harbour conversion final report.

Lower Don Special Policy Area and Flood Protection

The entire East Harbour site is located in the Lower Don Special Policy Area (SPA) and as such, development is restricted until infrastructure that is intended to eliminate the risk of flooding is fully implemented.

Amendments to OP designations within SPAs typically require dual ministerial approval from the Minister of Municipal Affairs and Housing, and the Minister of Natural Resources and Forestry. However, The City and the Province of Ontario entered into the Lower Don Protocol regarding the Lower Don Special Policy Area, which applies to the lands. The Protocol is intended to inform land use planning considerations and approvals by the City, the Province and other relevant agencies based upon the construction timeline of the flood protection infrastructure and subject to certain conditions.

Attachment 3 of the Lower Don Protocol identifies Priority Projects and the anticipated timing of these approvals. The mixed-use development at East Harbour which was enabled by the MZO and the subject of this conversion request is not listed in Attachment 3. However, the original office development for the East Harbour lands is listed.

City staff have had discussions with Provincial staff to determine the necessary steps to obtain any required provincial approvals, including dual Ministerial approval from the Minister of Municipal Affairs and Housing, and the Minister of Natural Resources and Forestry in accordance with PPS 2020 policy 3.1.4. This may include adding OPA 683 to the list of Priority Projects in Attachment 3, which would require the consent of the City and each Minister.

CONTACT

Carola Perez-Book, Project Manager, Strategic Initiatives, Policy & Analysis, City Planning, 416-392-8788, Carola.Perez-Book@toronto.ca

Pauline Beaupre, Senior Planner, Strategic Initiatives, Policy & Analysis, City Planning, 416-392-0881, Pauline.Beaupre@toronto.ca

Renita D'Souza, Senior Project Manager, Transportation Planning, City Planning, 416-338-2552, Renita.D'Souza@toronto.ca

SIGNATURE

Kerri A. Voumvakis
Interim Chief Planner and Executive Director
City Planning Division