

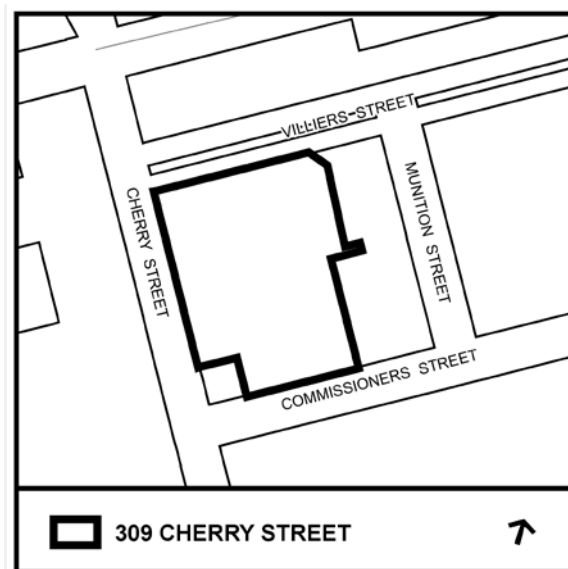
**309 Cherry Street - Zoning Amendment Application –  
Request for Direction Report**

<b>Date:</b>	January 14, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	12 131809 STE 30 OZ

**SUMMARY**

This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit a mixed-use development comprising an eight-storey office/retail base building, 26-storey residential tower and two partially retained heritage buildings on the northerly portion of the existing industrial property at 309 Cherry Street. The application was originally submitted in March 2012, however, since May 2012 and until recently, the application had been held in abeyance at the applicant's request. Initially it was held in abeyance pending completion of the first phase of the Port Lands Acceleration Initiative (PLAI), and subsequently pending completion of the Villiers Island Precinct Plan. While significant progress has been made on the planning initiatives currently underway in the second phase of the PLAI, including the Villiers Island Precinct Plan and Port Lands Planning Framework, they are still in process. The majority of work on these planning initiatives is currently targeted for completion by the end of the second quarter 2015.

In October 2014, the applicant appealed City Council's lack of decision on the application to the Ontario Municipal Board. As the application had been held in abeyance until recently, no preliminary report had been brought forward to Toronto and East York Community Council. As such, the purpose of this report is three-fold: 1) to provide preliminary information on the application; 2)



to seek City Council's direction on the OMB appeal; and 3) to outline the process for the evaluation and review of the application given that precinct planning for the area is still underway.

It is important to note that this report is not an evaluation of the merits of the application. It is staff's opinion that the application is premature given that the Lower Don Lands Infrastructure EA has yet to be approved by the Province, the planning initiatives underway in the Port Lands as part of the second phase of the PLAI have yet to be completed, and a response to the business case submitted to the provincial and federal governments for two-thirds funding of the required Lower Don River flood protection works and enabling infrastructure has not been fully considered. A final report to consider this application is targeted shortly after the completion and approval of the above, provided all required information to complete the review of the application is submitted by the applicant in a timely manner.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor to request that the Ontario Municipal Board not schedule a hearing on the appeal of the zoning amendment application for 309 Cherry Street, as the application and its appeal are considered premature until such time as the Province has approved the Lower Don Lands Infrastructure Environmental Assessment, and City Council has made decisions on the Port Lands Planning Framework and Villiers Island Precinct Plan.
2. City Planning staff evaluate this application in the context of the Port Lands Planning Framework and Villiers Island Precinct Plan currently under development, and report to City Council on the evaluation and review of the application shortly after the completion of these planning initiatives.
3. Staff be directed to schedule a community consultation meeting for the zoning amendment application, together with the Ward Councillor, after a decision has been rendered on the Port Lands Planning Framework and Villiers Island Precinct Plan.
4. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
5. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

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 for the lands south of the rail corridor, east of Small Street, West of the Don Roadway and north of the Ship Channel known as the "Lower Don Lands". City Council adopted the following recommendations:

1. Support the preferred alternative of the Don Mouth Naturalization and Port Lands Flood Protection Environmental Assessment and its submission to the Minister of the Environment for approval;
2. Endorse the Lower Don Lands Framework Plan (May 2010) to guide the revitalization of the Lower Don Lands and endorse the Keating Channel Precinct Plan (May 2010) as it relates to lands west of and including Cherry Street;
3. Authorize Waterfront Toronto to put the Lower Don Lands Class EA Infrastructure Master Plan (May 2010) in the public record in accordance with the requirements of the Municipal Class Environment Assessment; and
4. Authorize Waterfront Toronto to put the Keating Channel Precinct Class EA Environmental Study Report (May 2010), as it relates to lands west of and including Cherry Street, in the public record in accordance with the requirements of the Municipal Class Environmental Assessment while addressing the need for the lowering of Cherry Street North of the CN rail underpass.

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 Official Plan Amendment (OPA) 388 (and 389) for the Lower Don Lands (including lands north of Keating Channel) and By-law 1174-2010 which facilitates the development of the Keating Channel Precinct West. OPA 388 includes policies intended to preserve the proposed alignment of the Lower Don Lands and to provide for phasing and controlled development. It is premised in part on the Don Mouth Naturalization and Port Lands Flood Protection EA, as well as other Environmental Assessments to facilitate the development of the Keating Channel. The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE36.19>

At its meeting of September 21 and 22, 2011, City Council endorsed the protocol for the revitalization of the Port Lands, which initiated the Port Lands Acceleration Initiative (PLAI), a joint effort involving the City of Toronto, Waterfront Toronto and Toronto and Region Conservation Authority (TRCA). The Council direction included a review of the studies previously endorsed by City Council related to the above-mentioned "Lower Don Lands Project" and the development of a business and implementation plan. The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EX9.6>

At its meeting of October 2-4, 2012, City Council adopted the staff report entitled "Port Lands Acceleration Initiative – Final Report", dated August 24, 2012. City Council endorsed the Summary of Findings of the initial phase of the PLAI process and adopted recommendations and directions to amend the Don Mouth and Lower Don Lands environmental assessments, based on

a revised flood protection scheme. The Council decision also initiated the Port Lands Planning Framework and precinct planning, the utilization of development charges for infrastructure, and comprehensive, robust public consultation. The applicant deputed at Executive Committee and provided a written submission to City Council requesting that the 309 Cherry Street site be included within the boundaries of the Villiers Island Precinct (then referred to as the Cousins Quay Precinct). City Council directed City staff to consider expansion of precinct boundaries to address the applicant's submissions to Community Council. Additionally, staff were directed to address a number of issues identified by Lafarge Canada Inc., including land use compatibility issues associated with their continued operation. The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX22.1>

The written submission from the applicant's deputation is available here:

<http://www.toronto.ca/legdocs/mmis/2012/cc/comm/communicationfile-32025.pdf>

At its meeting of May 7, 2013 City Council adopted the staff report entitled "Port Lands Acceleration Initiative – Update", dated April 9, 2013. City Council adopted recommendations that revised the precinct boundaries for Villiers Island (then referred to as Cousins Quay) and the Film Studio District, ensured coordination of the Port Lands Planning Framework with the South of Eastern Strategic Direction and approved a review of TPLC agreements, policies and practices in the Film Studio District. The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX31.8>

At its meeting of July 8-11, 2014, City Council adopted the staff report entitled, Port Lands Acceleration Initiative Phase 2 – Progress Report, dated June 5, 2014. Among 13 recommendations adopted by City Council, three had direct implications for the subject property of this report:

1. City Council directed the Deputy City Manager Cluster B and the Chief Planner and Executive Director, City Planning, with Waterfront Toronto, to complete the development of the Port Lands Planning Framework, Port Lands and South of Eastern Transportation and Servicing Class EA Master Plan, Film Studio District and Cousins Quay/Villiers Island precinct plans, based on the Land Use Direction in Appendix 3 to the report (June 5, 2014) from the Deputy City Manager, Cluster B including any amendments recommended for the Central Waterfront Secondary Plan and implementing planning instruments such as Zoning By-laws or a Development Permit System, and report back to Planning and Growth Management Committee in the first half of 2015.
2. City Council authorized City staff and Waterfront Toronto to complete the revisions to the Lower Don Lands Class EA Infrastructure Master Plan Environmental Study Report and file the report in the public record, in accordance with the requirements of the Municipal Class Environment Assessment process.
3. City Council authorized the City Manager, the Deputy City Manager Cluster B, and the Deputy City Manager and Chief Financial Officer, in consultation with Waterfront Toronto, to initiate discussions with federal and provincial officials regarding one-third funding contributions to accelerate the design and construction of Port Lands flood

protection and related infrastructure, and report back to City Council in the first half of 2015.

The City Council decision and staff report are available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.11>

## **Pre-Application Consultation**

City staff from Community Planning and the Waterfront Secretariat held a pre-application consultation meeting with the applicant in March 2011. At that time, staff informed the applicant that a development application on this site would be premature, as it would be submitted in advance of comprehensive planning for the Port Lands. Staff advised that three major issues needed to be addressed prior to staff being able to appropriately evaluate an application: a precinct plan for this area of the Port Lands (now known as Villiers Island); conclusion of the EA process respecting flood protection for the Lower Don Lands; and a servicing and infrastructure plan to accommodate future development in the Port Lands.

## **ISSUE BACKGROUND**

### **Proposal**

The application, submitted by Aird and Berlis on behalf of landowners 2034055 Ontario Limited and 13337194 Ontario Inc., seeks to amend City of Toronto Zoning By-law 438-86 to permit a mixed-used development on the northern half of the 309 Cherry Street property. The proposal consists of a 26-storey residential tower on an 8-storey base building with retail and office uses. The proposed eight-storey base building fronts on Villiers Street.

Additionally, there are two listed heritage buildings on the site with different preservation strategies proposed. The one-storey former Bank of Montreal building at the southeast corner of Cherry Street and Villiers Street is proposed to be retained in its entirety. The two to three-storey William McGill and Company building immediately south of the Bank of Montreal building is proposed to be incorporated into a new, stand-alone, 6-storey commercial building along the Cherry Street frontage.

A total combined gross floor area of 38,425m<sup>2</sup> is proposed, comprising 27,649 m<sup>2</sup> of residential gross floor area and 10,776 m<sup>2</sup> of office and retail gross floor area. 370 residential units, 457 vehicular parking spaces and 97 bike parking spaces are proposed within the development.

A proposed central, curved privately-owned, publicly accessible open space area from Villiers Street to Commissioners Street occupies the space between the Cherry Street buildings and the base/tower building. Pedestrian access to the residential tower and office base building is proposed from three possible directions: the central courtyard space to the west of the tower, a pedestrian entrance/corridor off Villiers Street to the north and from the vehicular drop-off area to the east of the building. Vehicular access to the site is via a proposed north-south private drive on the east side of the property, connecting Villiers Street to Commissioners Street. This driveway/laneway would provide access to an underground ramp, loading area and the drop-off space on the east side of the proposed development.

The submitted application only proposes to amend the Zoning By-law for the northern half of the property. However, the drawings and supporting documentation identifies a two-phase development concept for the entire 309 Cherry Street site. On the southern portion of the site, a second phase of development is contemplated, consisting of a 40-storey tower in the centre of an eight storey base building. A new six-storey, commercial building is proposed along Cherry Street. The central courtyard and laneway proposed on the Zoning By-law amendment application are proposed to be extended south into the second phase.

Attachments 1 through 7 provide the site plan, two perspective drawings and elevations for the proposal. The plans include the proposed development concept for the second phase. As noted, this second phase is not part of this application. A summary of the statistics for the submitted application is provided in Appendix 9.

The applicant is also proposing that a holding symbol ('h') be placed on the amended zoning for the subject property, pending resolution of outstanding flood plain management matters for the Lower Don Lands, as well as cessation of industrial operations on the subject property.

### **OMB Appeals**

On October 31, 2014, the City received notice that this zoning amendment application had been appealed to the Ontario Municipal Board, pursuant to Section 34(11) of the *Planning Act*, on the grounds that City Council has failed to make a decision on the application within 120 days. City staff have requested a meeting with the applicant to discuss this appeal, but have not received a response.

The applicant also has an outstanding appeal before the Ontario Municipal Board with respect to Official Plan Amendment 388. As referenced in the Decision History section above, OPA 388 provides direction for limited future development in the Lower Don Lands, pending Lower Don River re-alignment for flood control. The applicant has opined that: the Central Waterfront Secondary Plan should first be brought into force and effect before introducing OPA 388; and OPA 388 should be modified to include the subject property within that portion of the Lower Don Lands referred to as Keating Channel Precinct West.

In addition, the applicant appealed Zoning By-law 1174-2010 (implementing zoning for the Keating Precinct for lands north of the Keating Channel, west of and including Cherry Street) on the grounds that the 309 Cherry Street site ought to have been included within the Keating Channel Precinct boundary. No hearings have been scheduled to resolve these outstanding matters.

### **Site and Surrounding Area**

The site is located within the 350 hectare (880 acres) Port Lands area, a man-made industrial area created through fill in the early 1900s, located east of Toronto's downtown area between the Inner Harbour and Leslie Street and south of Lake Shore Boulevard. The Port Lands are a challenging area to redevelop due to the requirements for flood protection, infrastructure, soil remediation and geotechnical considerations.

The subject property for this application is the northern portion of the larger 309 Cherry Street site. The 309 Cherry Street site comprises the majority of the block bounded by Villiers Street to the north, Cherry Street to the west, Commissioners Street to the south and Munition Street to the east. It has a total area of 20,150 m<sup>2</sup> or just over two hectares. The portion of the site subject to the submitted application comprises 10,122 square meters or 1 hectare, just under half of the total site area. The portion of the site subject to this application has 78 metres of frontage along Cherry Street and a depth of 131 metres. Both the subject property and larger site are essentially flat. The west and south frontages of the 309 Cherry Street site are lined by several non-native trees and shrubs.

At present, the 309 Cherry Street site is occupied by an environmental waste management company, which has been operating on the premises since 1999. Prior to this use, the site had been used as an oil refinery. Most of the northern portion of the site is vacant and used as storage and surface parking for trucks and larger vehicles. Several large former oil storage silos and tank structures are situated on the south portion of the site, none of which are any longer in use and are being decommissioned over time. At the northwest corner of the site is a 1-storey masonry building, formerly occupied by the Bank of Montreal. Immediately south of this building is a two to three-storey brick building known as the McGill and Company Building. Both buildings are listed on the City's Inventory of Heritage Properties, the former in 1976 and the latter in 2003.

The larger Port Lands area contains a diverse mix of both vacant and active industrial lands, a film studio hub, offices, recreation facilities, entertainment uses and parks. The following is a description of the uses surrounding the subject property.

**North:** Immediately north of the site, at the northeast corner of Cherry Street and Villiers Street, is a one-story restaurant (2 Villiers Street) surrounded by surface parking and landscaped open space. North of the restaurant is the Keating Channel, the man-made, current east-west outlet of the Don River. Further east are the one-storey Toronto Harbour Commissioners storage buildings (62 Villiers Street) currently under a more detailed heritage assessment with associated surface parking and loading facilities for barges and other boats using the Keating Channel.

**West:** On the west side of Cherry Street opposite the 309 Cherry Street site is Cousins Quay, a man-made quay constructed in the 1950s (242 Cherry Street). A recycling operator, Toronto Port Authority dry dock and boat docking services generally occupy the area; Marine Terminal 35 (MT35), a large, rectangular warehouse building abutting the lake with access for freighter docking, abuts the Inner Harbour. MT35 is listed on the City's Inventory of Heritage Properties. To the northwest of the subject property are the former Essroc silos (312 Cherry Street), also listed on the City's Inventory of Heritage Properties, that are currently vacant with Essroc's recent relocation to the East Port area of the Port Lands.

**South:** South of the 309 Cherry Street site, on the south side of Commissioners Street is a large (8 hectare) vacant site (51 Commissioners Street) that is used on a temporary basis for film crews and entertainment productions such as the Cirque de Soleil. East of this site

at Munition Street is a two-storey brick building that was formerly a fire hall and now houses the Toronto Fire Fighters Association Headquarters (39 Commissioners Street); this building was listed on the City's Inventory in 2003. Southwest of the subject property are two other listed heritage properties: 275 Cherry Street, a one-storey red brick building at the northeast corner of Cherry and Commissioners Streets that is now a restaurant, but was formerly occupied by the Dominion Bank (listed in 2003); and 281 Cherry Street, a two-storey, red brick building (listed in 2003) that houses a Toronto Hydro substation and was designated in 2013. Southwest of the subject site across Polson Quay is Lafarge's concrete operation at 54 Polson Street; Lafarge has indicated that it will continue its port and industrial operations at this site for the foreseeable future.

East: On the same block as the 309 Cherry Street site, at the southwest corner of Villiers Street and Munition Street, is the former Queen's City Foundry building listed on the City's Inventory of Heritage properties in 2003. The building/site is privately owned and houses sound/rehearsal studios. Immediately south is a white, two-storey warehouse building (54 Commissioners Street) owned by Waterfront Toronto. On the east side of Munition Street are various one and two-storey office, warehouse and industrial production buildings, as well as extensive ancillary surface parking for vehicles and transport trucks and vacant lands.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

Section 1.6 of the PPS speaks to the requirement for coordinated, strategically located and integrated sewage, water and transportation infrastructure. Section 3.1 addresses development in Natural Hazard areas, particularly those in Special Policy Areas associated with flood plains.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Section 3 of the Growth Plan contains policy requirements for new infrastructure to support growth.

## **Official Plan, Secondary Plan, OPAs**

The former City of Toronto Official Plan is in force and effect in the Port Lands and designates the site *General Industrial Area* on Map 1. Further, the site is located within the *Port Industrial District* on Map 9 of the former City of Toronto Official 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 was appealed to the Ontario Municipal Board by numerous appellants and is not currently in effect for the Port Lands. Nonetheless, the CWSP is utilized to guide and inform planning in the Central Waterfront. The CWSP was amended for the Port Lands through Official Plan 388 in 2010. OPA 388 was also appealed to the Ontario Municipal Board by numerous parties, including the applicant of the subject application, and is not currently in effect. Additional amendments to the CWSP, including to OPA 388, are anticipated to implement the outcomes of the second phase of the PLAI and current planning underway in the Port Lands.

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.

Under the original 2003 CWSP, the subject property was designated as *Parks and Open Space Areas*. The site and surrounding lands north of Commissioners Street were re-designated to *Regeneration Areas* through OPA 388 in 2010. The *Regeneration Areas* designation in the CWSP allows for a wide variety of mixed-use development, including housing, offices and retail uses. The CWSP identifies that the Port Lands will generally be developed at a medium-scale with some lower elements and higher buildings in appropriate locations. Lower buildings are to be located along the water's edge, with retail and community activities concentrated at accessible locations to form a focus for the area.

The Plan also identifies that rezoning individual sites within *Regeneration Areas* will generally only be entertained once a context has been established for the evaluation of specific rezoning applications, through Precinct Implementation Strategies, or precinct plans as they are more commonly referred to. The purpose and objective for requiring these plans prior to considering a rezoning is to ensure the comprehensive and orderly development of an area.

The majority of the Port Lands north of the Ship Channel are subject to flood risk. In 1994, the City implemented the Lower Don Special Policy Area (SPA) in the former City of Toronto Official Plan. A large portion of the flood prone lands are included within the Special Policy Area boundary. However, lands in the western portion of the Port Lands, including the subject property, were not included within the SPA boundary. Prior to City Council adopting OPA 388, a one-zone concept under the PPS applied. OPA 388, which included the subject property, introduced a Two Zone Concept for floodplain management, as well as site and environmental planning policies. The Two-Zone Concept proposes a 'Floodway' and 'Flood Fringe', highlighting areas both not capable (floodway) and potentially capable (flood fringe) of accommodating development. Policy D\_26 was also introduced and identifies that development will not be permitted until specific criteria, such as the completion of flood protection works, are fulfilled.

Under the Toronto Official Plan (approved by the OMB in 2006), 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. The Toronto Official Plan is not in force and effect for the Central Waterfront, inclusive of the Port Lands. Further, the Plan’s Special Policy Area policies are currently under appeal and the SPA policies of former municipalities continue to be in effect. Although the policies of the Toronto Official Plan do not technically apply to the subject property, staff will consider them, where appropriate, during the review of this application, as they reflect much of the recent policy direction within both the City and the Province.

## **Urban Design Guidelines**

### **City-wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The city-wide Tall Building Design Guidelines are available at:

[http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/tall-buildings.pdf](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/tall-buildings.pdf)

### **Mid-Rise Guidelines**

In 2010, City Council adopted the Avenues and Mid-Rise Buildings Study. The study included guidelines which are intended to encourage the construction of better designed mid-rise buildings on the City’s *Avenues*. The guidelines typically apply to sites designated *Mixed Use Areas*. While the guidelines technically do not apply to the Central Waterfront or lands designated *Regeneration Areas*, given that development in the Port Lands under the CWSP is generally to be of a medium-scale, the guidelines will be considered in any evaluation of the application.

The city-wide Mid-Rise Design Guidelines are available at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=7238036318061410VgnVCM10000071d60f89RCRD>

## **Zoning**

The harmonized city-wide Zoning By-law does not apply to the subject the site. The former City of Toronto Zoning By-law 438-86 is in force and effect, and zones the subject site Industrial (I3 D2). The zoning permits industrial, commercial and institutional uses at a maximum density of two times the area of the lot. A map of the existing zoning for the area can be found in Attachment 8.

## **Site Plan Control**

The subject property is subject to Site Plan Control. An application for site plan control has not been submitted with this zoning amendment application. Staff will not be requiring a site plan application to be submitted until all outstanding policy and zoning matters associated with the Port Lands and Villiers Island Precinct have been resolved.

## **Tree Preservation**

The applicant has provided an Arborist Report, which identifies all of the existing trees both on and adjacent to the site. There are a total of 33 trees, 25 on the City's road allowance and 8 on the subject property. The arborist report proposes the removal of all but eight of the 33 trees. Tree removal will be evaluated in consultation with the appropriate staff in Urban Forestry when all other matters associated with this application are ready to be reviewed.

## **Reasons for the Application**

The application was submitted as the proposed residential/office uses, densities and heights are not permitted under the existing Industrial (I3 D2) zoning for the site. The applicant is also requesting that a holding symbol ("h") be placed on the proposed amended zoning for the subject property for matters such as, but not limited to, the provision of an infrastructure and stormwater management plan, the provision of necessary infrastructure to service the development, resolution of outstanding flood plain management matters for the Lower Don Lands and cessation of industrial operations on the subject property.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale
- Design Primer document, including design rationale, landscape design, sun/shadow study, architectural drawings and project statistics
- Toronto Green Standard checklist
- Arborist Report
- Pedestrian Level Wind Preliminary Assessment
- Transportation Impact Study
- Heritage Impact Assessment
- Functional Servicing and Preliminary Stormwater Management Report
- Final Phase 1 Environmental Site Assessment
- Final Phase 2 Environmental Site Assessment

A Notification of Complete Application, dated April 5, 2012, acknowledged the application being complete as of March 8, 2012.

No preliminary report was written on the application, as the applicant twice requested (May 2012 and December 2013) that the application be held in abeyance, pending resolution of outstanding matters associated with planning initiatives in the Port Lands.

## Port Lands Acceleration Initiative (PLAI) Projects

As referenced in the Decision History section above, there are several on-going PLAI projects and studies, which, when completed, will help to provide a planning framework and context within which the application can be properly and thoroughly evaluated. Key projects applicable to this application include:

- 1. Don Mouth Naturalization and Port Lands Flood Protection Environmental Assessment (DMNP EA):** This EA is a flood control remedial works plan for the Port Lands undertaken to “make an ecologically functional river mouth, remove flood risk and provide opportunities to revitalize the Port Lands area of Toronto’s waterfront”. The EA was finalized and formally submitted to the Ontario Ministry of the Environment in March 2014. Ministerial Approval is anticipated in early 2015. Upon being approved, detailed design of the preferred solution will be required prior to implementation/construction. The cost to implement the DMNP EA (in nominal dollars), including associated enabling infrastructure, is \$975 million. Funding requests and business cases have been submitted to the Province and Federal government for one-third funding by each order of government, including the City of Toronto. No funding commitments have been made by the Province or Federal Government at this time. While \$975 million is a significant sum, these funds only provide for the implementation of a portion of the infrastructure costs needed to support redevelopment. Additional financing, including funds from a potential Area-Specific Development Charge by-law, as well as possible landowner contributions, will be required for the remaining portion of the infrastructure costs. Final confirmation and approval of the EA is required prior to evaluation of the application on the subject property.
- 2. Lower Don Lands Infrastructure EA:** The Lower Don Lands Infrastructure EA identifies the location and design of roads and bridges, transit, servicing and stormwater management in the Lower Don Lands. This Environmental Study Report and EA addendum completed the Municipal Class EA process for applicable projects within the Lower Don Lands and amended the original Infrastructure Master Plan completed in 2010. The Environmental Study Report and addendum document was placed on the public record for comment in September 2014. No Part II bump-up orders were requested.
- 3. Port Lands Planning Framework:** This large-scale initiative for the entire Port Lands area involves developing a comprehensive long-term vision for the revitalization of the Port Lands. The Planning Framework will support comprehensive amendments to the Central Waterfront Secondary Plan (CWSP) and be used as a basis for resolving outstanding appeals to the CWSP.

Among other matters, it includes the development of a land use plan, premised upon maintaining existing industrial and associated shipping operations while integrating new, mixed-use development where compatible. The Port Lands Planning Framework: Land Use Direction, adopted by City Council in July 2014, is to be used as the basis for continued planning in the Port Lands identifies the subject and surrounding lands as being developed into a new mixed-use community. The Land Use Direction also identifies a zone where further assessment related to land use compatibility associated with the

concrete operation at 54 Polson Street. The City, with Waterfront Toronto, is undertaking a noise and air quality feasibility study for the Port Lands to address potential land use compatibility issues.

4. **Villiers Island Precinct Plan:** The precinct plan will establish design and development objectives, local street patterns, a block structure, linkages between local parks and open spaces and built form controls (heights, densities etc.). Work on this plan has been progressing steadily in the last 12 months, but will need to be finalized prior to any evaluation of this application. To date, a background review and analysis and a review of opportunities and constraints has been completed, as well as concept development and testing. The project team is now engaged in developing an overall built form strategy for the precinct area. Following the April 2013 report, which expanded the precinct area to include the 309 Cherry Street site, the precinct plan boundaries were expanded somewhat to comprehensively plan all lands to the north of the new river valley.

City Staff and relevant agencies/divisions have been in regular discussions with the applicant on all of the above projects. More detailed engagement and discussions occur with the applicant on a regular basis for the Villiers Island Precinct Plan and Port Lands Planning Framework. The current expectation is that the majority of work on these initiatives will be completed by the end of the second quarter 2015. At this point, through discussion with staff and the applicant, there will need to be revisions to the application to reflect the new planning context for the site. When a revised application is received, staff and stakeholders will be in a position to conduct a more informed evaluation of the zoning amendment application for 309 Cherry Street.

There is a concern that the appeal process now associated with this application could circumvent the thorough consultation process that has occurred throughout the PLAI. Staff will make best efforts to ensure that consultation with the broader community on this application will be conducted with the same frequency and methodology that has been done for the larger initiatives to date.

### **Issues to be Resolved**

Prior to presenting a Final Report to Toronto and East York Community Council, the following issues, as well as any others that may be identified by staff, relevant agencies/divisions and the public, will need to be reviewed and addressed:

1. consistency with the Provincial Policy Statement and conformity with the Growth Plan for the Greater Golden Horseshoe;
2. conformity with the former City of Toronto Official Plan and in particular the Lower Don Special Policy Area provisions;
3. conformity with the Central Waterfront Secondary Plan (OPA 257), and in particular the requirement for precinct planning under Sections 2.1 and 2.2;
4. conformity with the Lower Don Lands Floodplain policies under OPA 388;

5. having regard for the current City of Toronto Official Plan;
6. consistency with the Don Mouth Naturalization and Port Lands Flood Protection Environmental Assessment;
7. consistency with the Lower Don Lands Infrastructure Environmental Assessment;
8. consistency with the Port Lands Planning Framework and conformity with any resulting policies document;
9. consistency with the Villiers Island Precinct Plan, conformity with any resulting policies document, and adherence to permissions or performance standards under any implementing zoning by-law;
10. compliance with the City of Toronto's Tall Building Design Guidelines should taller building elements be considered as part of the Villiers Island Precinct Plan;
11. consideration of the City of Toronto's Avenues and Mid-Rise Buildings Study;
12. proposed street and lane alignment/configuration;
13. height, setbacks and angular plane provisions of the proposed base buildings;
14. location, height, setbacks, separation distance and floorplate size of the proposed tower, should a tower be permitted as part of this application;
15. skyline impact of the proposed tower, should a tower be permitted as part of this application;
16. acceptability of heritage impacts, including conformity with Parks Canada's "Standards and Guidelines for the Conservation of Historic Places in Canada", approved by City Council as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City (March 3, 4, and 5, 2008);
17. appropriate commemoration and interpretation of the heritage buildings on the subject property;
18. sensitivity of the proposed built form and massing on the heritage buildings abutting the site at 275 and 281 Cherry Street and 16 Munition Street;
19. other built form and massing issues including, but not limited to: setbacks, setbacks, sky view, light penetration, privacy, wind mitigation and pedestrian realm weather protection;
20. assessment of traffic and parking impacts generated by the proposed commercial and residential uses;

21. location and size of the proposed amenity space, particularly the ground floor area and its interaction with the public realm;
22. compatibility of the proposed landscape plan with the broader public realm plan associated with the Villiers Island Precinct Plan;
23. unit mix, including the provision of family-sized units;
24. servicing capacity;
25. conformity with potential new grading requirements across the Port Lands;
26. compatibility of the proposed residential use, from a noise and air quality perspective, with existing industrial operations both on-site and in the vicinity of the subject property;
27. adequacy of community facilities in the area to service the proposed development;
28. the proposed sustainability strategy for the project, including green roof requirements and the potential for the applicant to pursue Tier Two of the Toronto Green Standard;
29. provision of public art; and
30. identification and securing of public benefits pursuant to Section 37 of the Planning Act should there be a recommendation for approval.

### **Toronto Green Standard**

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. The TGS Checklist has been submitted by the applicant and will be reviewed for compliance with the Tier 1 performance measures pending completion of the Port Lands Planning Framework and Villiers Island Precinct Plan.

### **Conclusion**

The Port Lands is an area anticipated for transition and requires a comprehensive approach to redevelopment that coordinates investment. The City of Toronto, Waterfront Toronto and the Toronto and Region Conservation Authority, in conjunction with area landowners and stakeholders, are undertaking several comprehensive planning initiatives all aiming to revitalize an underutilized, ideally located, historically significant area. Critical issues such as river re-routing, flood protection, servicing, streets and blocks layout, parks and open space provision, land use compatibility and infrastructure financing all need to be resolved before any redevelopment can proceed. Planning for these large-scale infrastructure pieces has to be done through the lens of the entire Port Lands area, not through the smaller focus of site-specific applications.

Given that substantial infrastructure is required prior to redevelopment, consideration of this application, in advance of completing the necessary studies underway in the Port Lands, is not currently justified. Further, the area presently lacks any context and amenities for a new mixed-use development. Villiers Island is a major city-building opportunity for Toronto, with the potential to achieve international attention. It is prudent and reflective of good planning to ensure that the planning framework for the Port Lands and Villiers Island is in place prior to any decision-making on the most appropriate development scheme for the site. Staff will endeavour to review the proposed application as soon as possible once the planning regime for the Port Lands and Villiers Island has been completed. As such, it is recommended that City council direct staff to request the OMB defer this appeal until these necessary studies are complete.

## **CONTACT**

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Fax No. 416-392-1330  
E-mail: wmacrae@toronto.ca

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

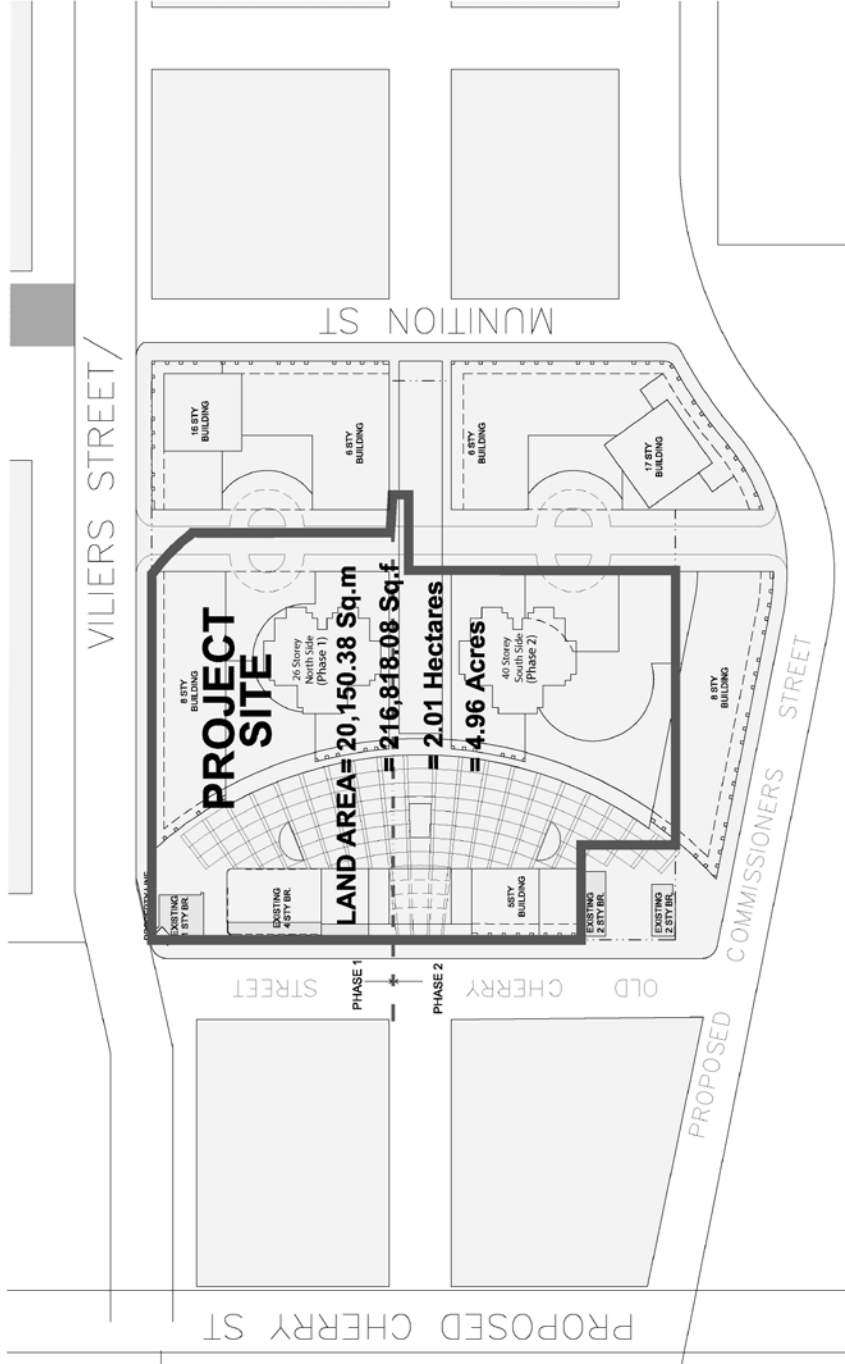
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Perspective Looking Southeast [as provided by applicant]  
Attachment 3: Perspective Looking Northeast [as provided by applicant]  
Attachment 4: West Elevation [as provided by applicant]  
Attachment 5: North Elevation [as provided by applicant]  
Attachment 6: East Elevation [as provided by applicant]  
Attachment 7: South Elevation [as provided by applicant]  
Attachment 8: Existing Zoning  
Attachment 9: Application Data Sheet



**Attachment 1: Site Plan**



**309 Cherry Street**

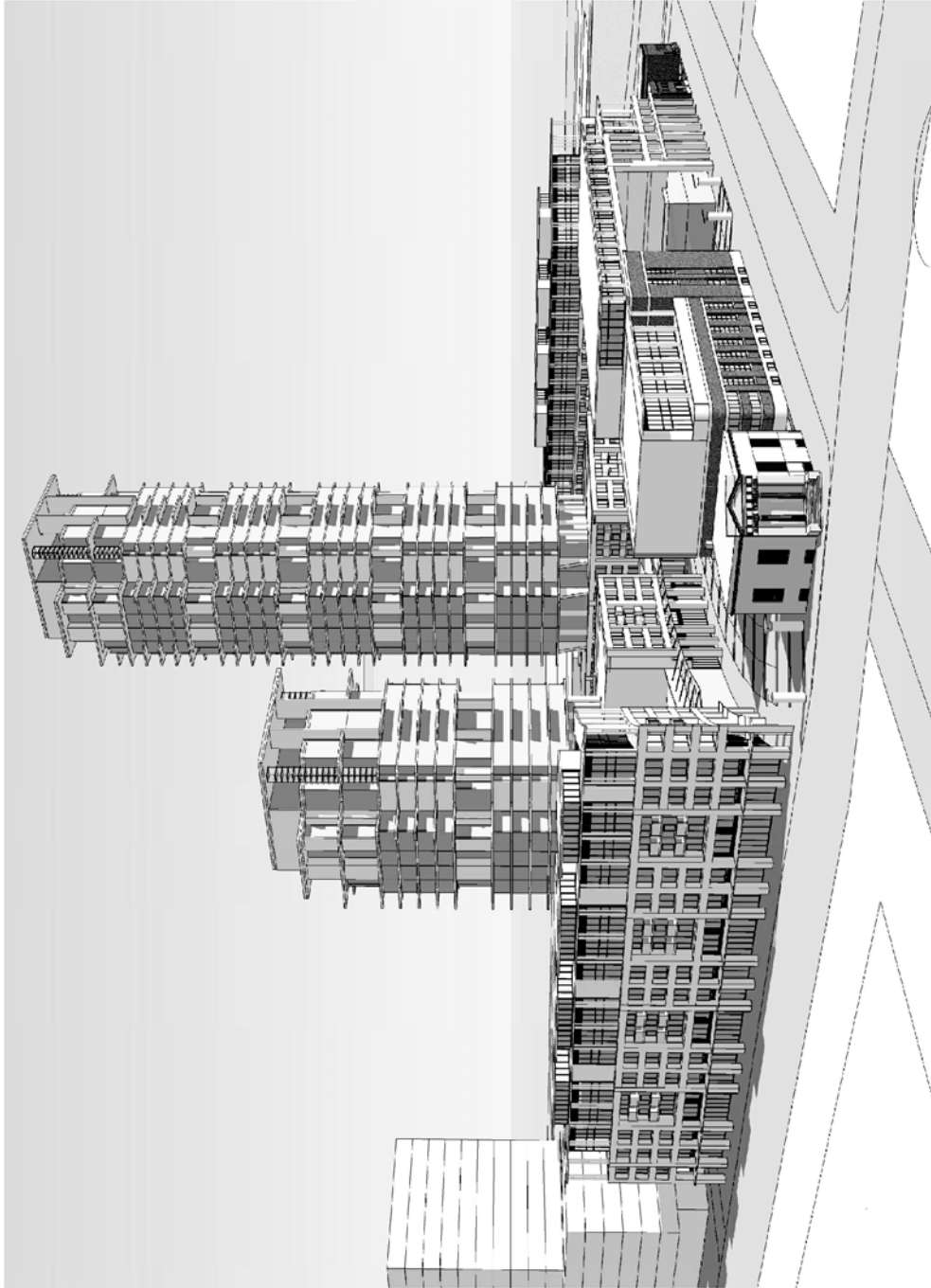
File # 12\_131809 STE 30.0Z

**Site Plan**

Applicant's Submitted Drawing

Not to Scale  
 01/08/2015

**Attachment 2: Perspective Looking Southeast [as provided by applicant]**



**309 Cherry Street**

File # 12\_131809 STE 30 0Z

**Perspective #1**

Applicant's Submitted Drawing

Not to Scale  
01/08/2015

**Attachment 3: Perspective Looking Northeast [as provided by applicant]**



**Perspective**

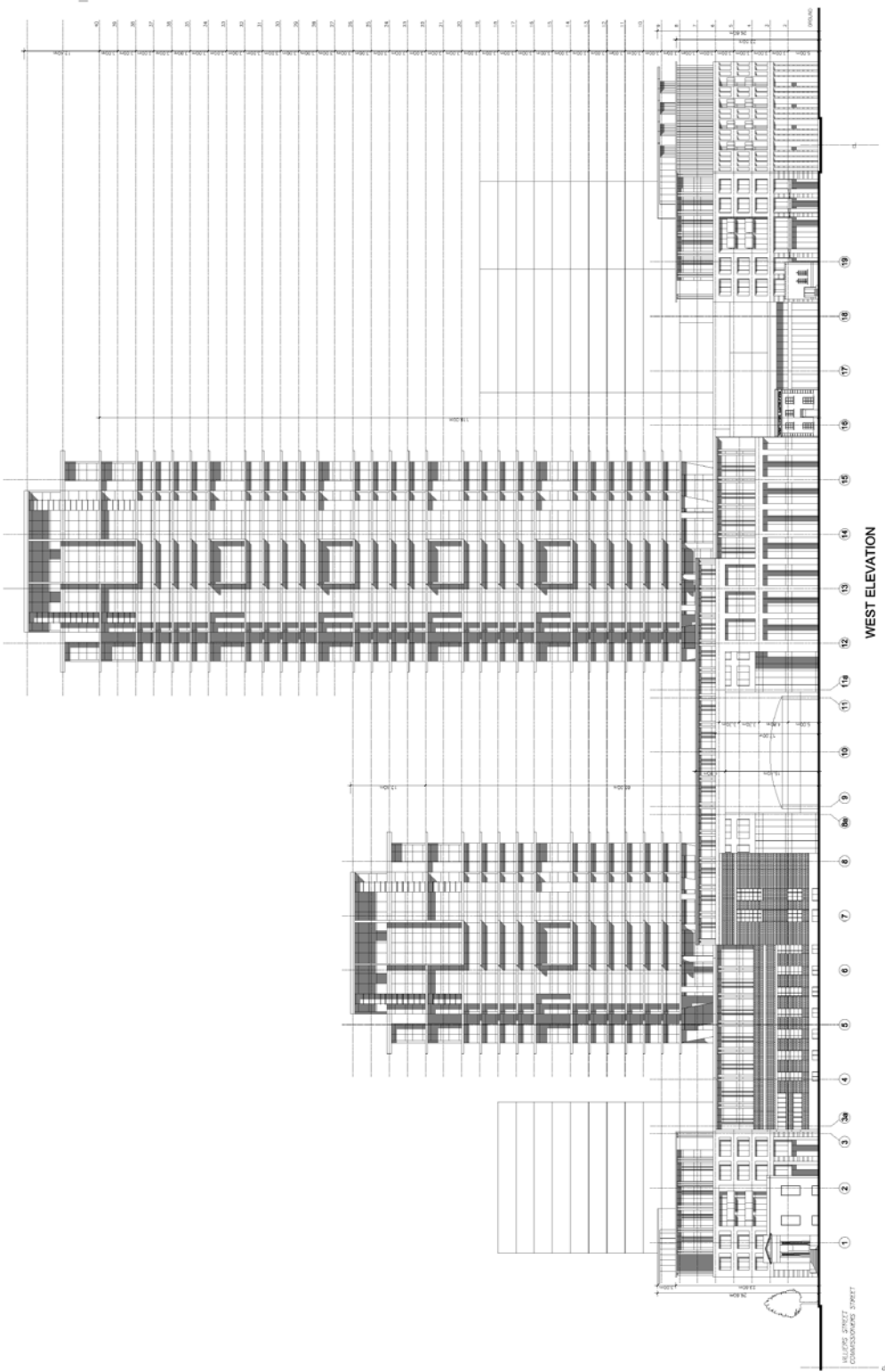
Applicant's Submitted Drawing

Not to Scale  
01/08/2015

**309 Cherry Street**

File # 12\_131809 STE 30.0Z

**Attachment 4: West Elevation [as provided by applicant]**



**309 Cherry Street**

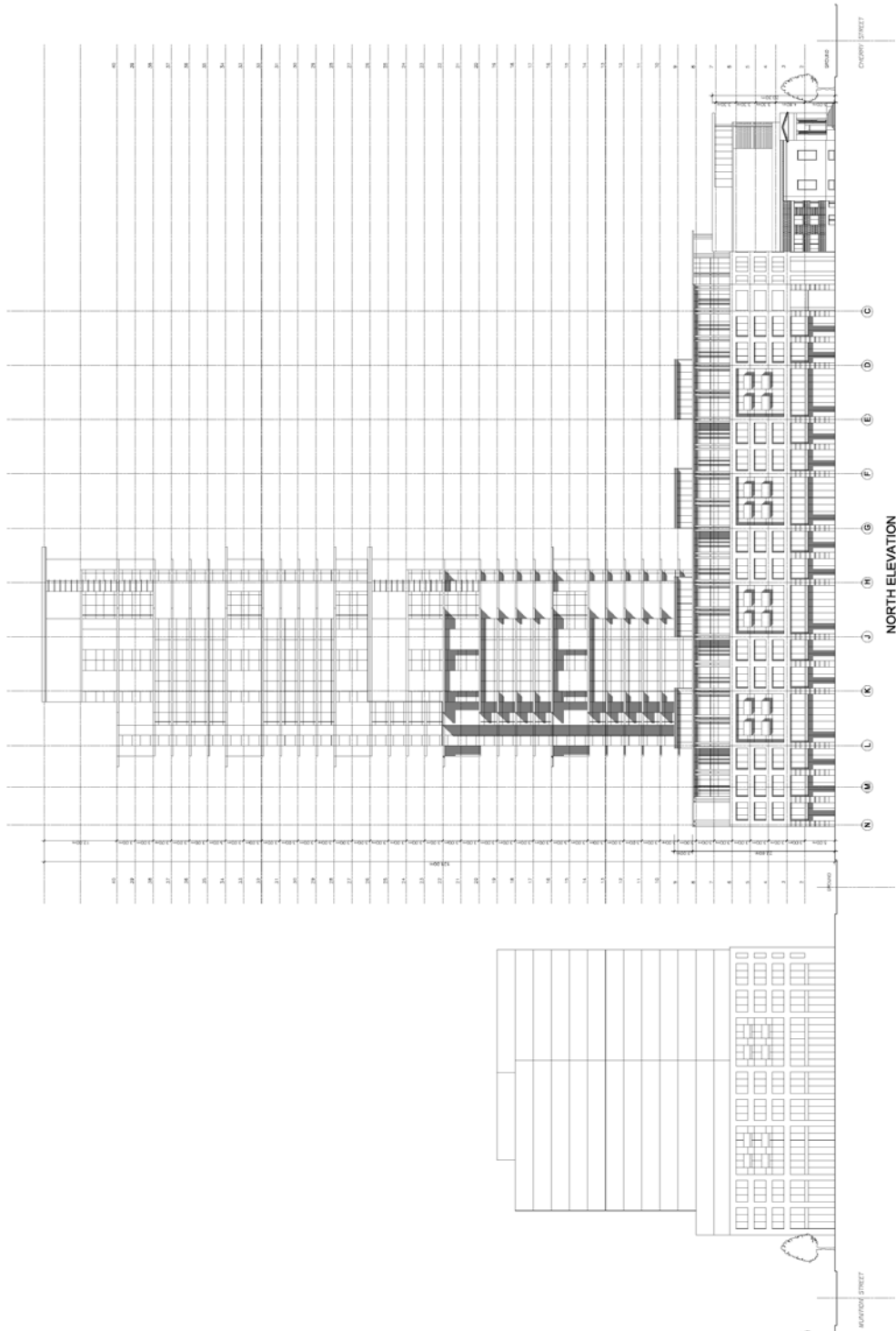
File # 12\_131809 STE 30.0Z

**West Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/08/2015

**Attachment 5: North Elevation [as provided by applicant]**



**309 Cherry Street**

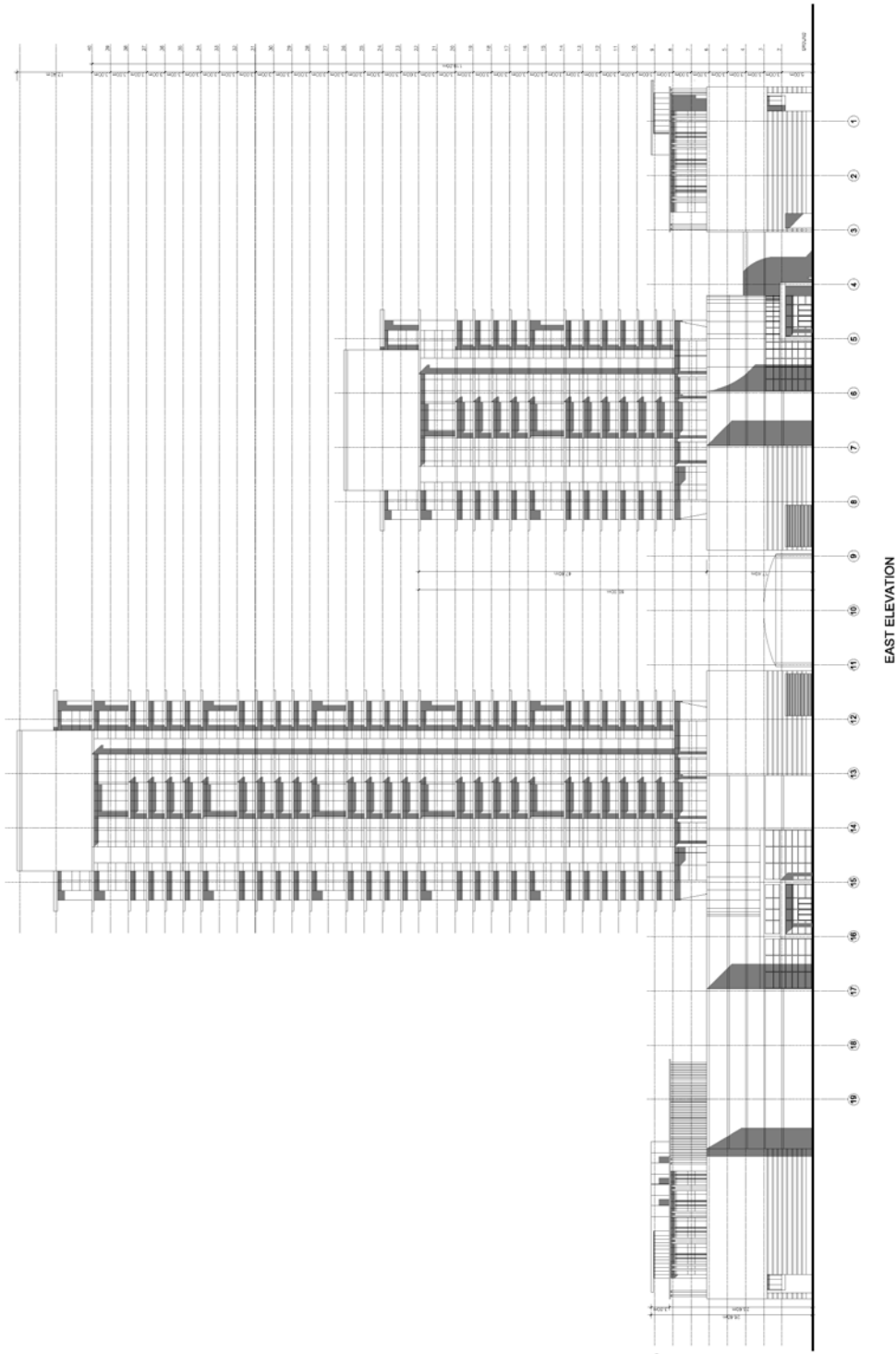
File # 12\_131809 STE 30.0Z

**North Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/08/2015

**Attachment 6: East Elevation [as provided by applicant]**



**309 Cherry Street**

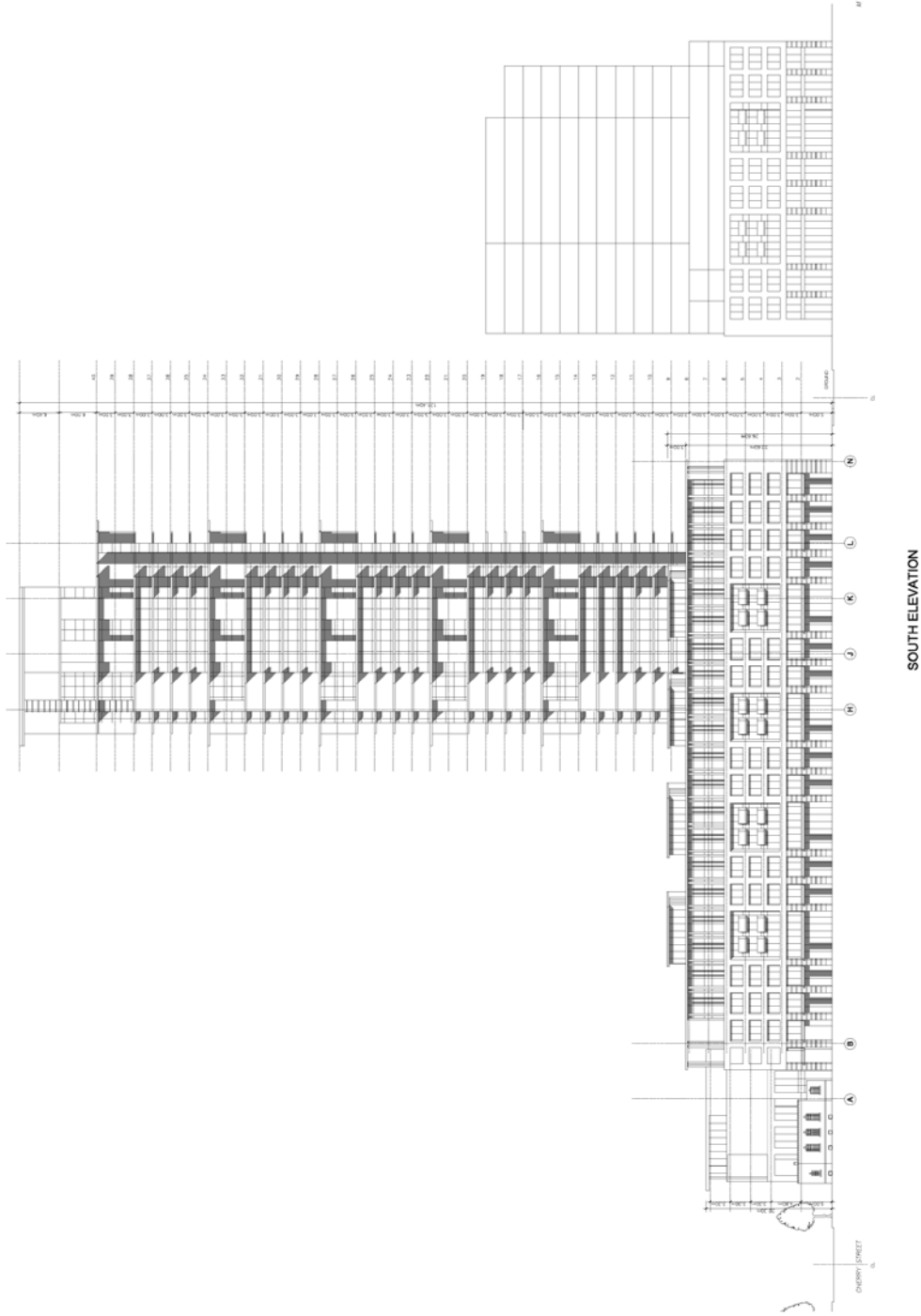
File # 12\_131809 STE 30.0Z

**East Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/08/2015

**Attachment 7: South Elevation [as provided by applicant]**



**309 Cherry Street**

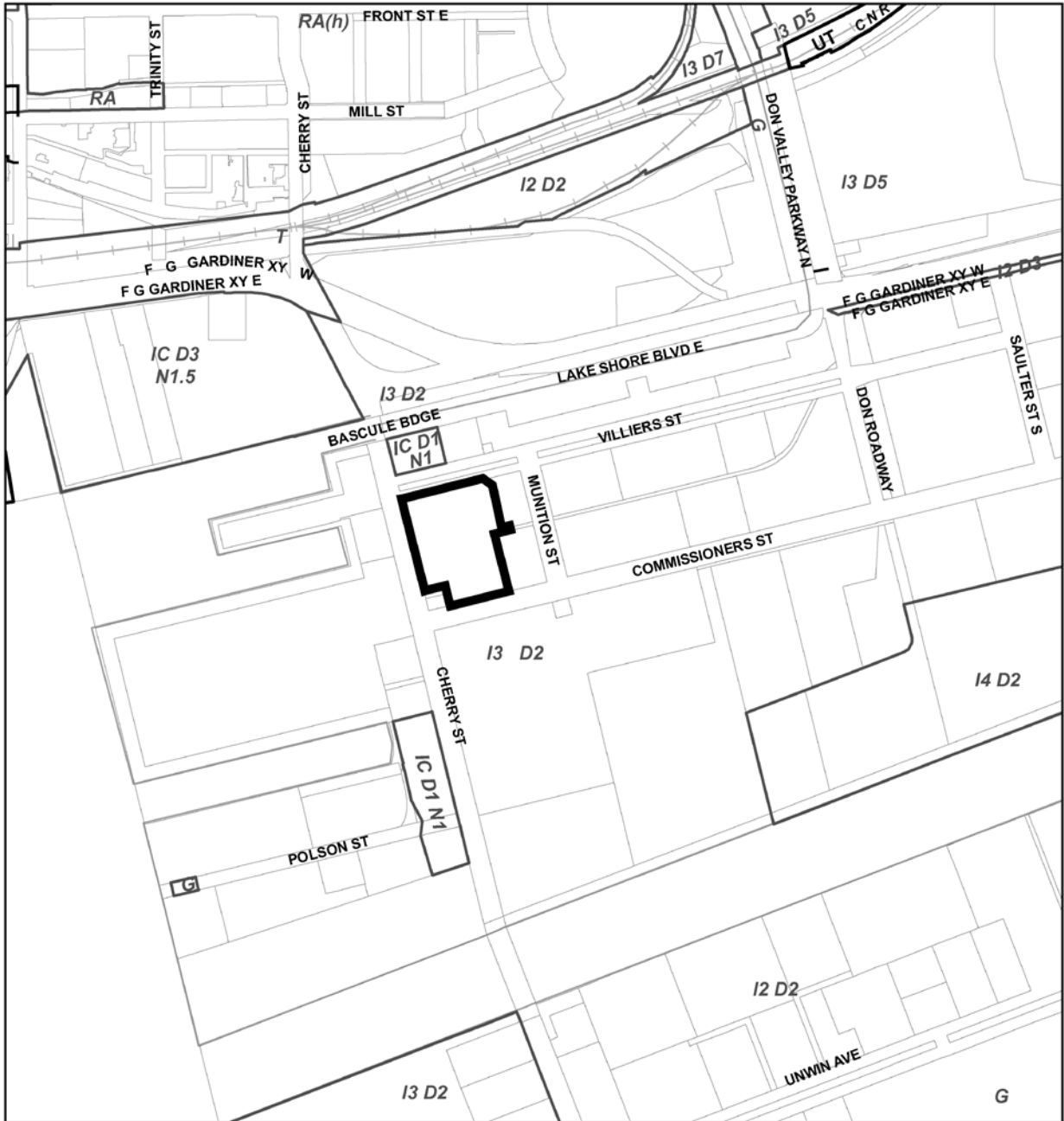
File # 12 131809 STE 30 0Z

**South Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/08/2015

## Attachment 8: Existing Zoning



**Toronto** City Planning  
**Zoning By-law 438-86**

**309 Cherry Street**

File # 12 131809 STE 30 0Z

Location of Application



Not to Scale  
 Extracted 01/09/2015



## Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	12 131809 STE 30 OZ
Details	Rezoning, Standard	Application Date:	March 5, 2012

Municipal Address: 309 CHERRY STREET  
 Location Description: PLAN 520E PT BLK A K J \*\*GRID S3014

Project Description: Rezoning application to complement appeal to Official Plan Amendment 388 for the subject lands in order to permit its re-development for the purposes of a 26-storey mixed-use building with 340 dwelling units above retail and office uses. Included in the proposal is the request to assign a hold to a portion of the lands in order to address the flood plain management within the Port Lands.

<b>Applicant:</b>	<b>Architect:</b>	<b>Co-Owner:</b>	<b>Co-Owner:</b>
AIRD & BERLIS BARRISTERS & SOLICITORS ATTN: CHRISTOPHER WILLIAMS	KIRKLAND PARTNERSHIP 225 RICHMOND ST W SUITE 500, TORONTO, ON M5V 1W2	203405 ONTARIO LTD 10710 BATHURST ST MAPLE, ON ATTN: ALFREDO ROMANO	1337194 ONTARIO INC 260 SHOEMAKER ST KITCHENER, ON N2E 3E1 ATTN: STEVE MILLIGAN

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	Villiers Island
Zoning:	I3 D2	Historical Status:	2 listed buildings
Height Limit (m):	N/A	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	20150.4	Height:	Storeys:	26
Frontage (m):	138.6		Metres:	80
Depth (m):	130.9			
Total Ground Floor Area (sq. m):	4023			<b>Total</b>
Total Residential GFA (sq. m):	27649		Parking Spaces:	457
Total Non-Residential GFA (sq. m):	10776		Loading Docks	2
Total GFA (sq. m):	38425			
Lot Coverage Ratio (%):	20			
Floor Space Index:	1.9			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	170
2 Bedroom:	170
3 + Bedroom:	0
Total Units:	340

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	27649	0
Retail GFA (sq. m):	5200	0
Office GFA (sq. m):	5576	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Willie Macrae, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-7026 or <a href="mailto:wmacrae@toronto.ca">wmacrae@toronto.ca</a></b>