



Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

Reply to: Ms. Christine Dodds - 392-7033/4

Please refer to: 89cncluc 13-12:292

June 9, 1989

To: All Interested Persons

City Council, at its meeting on June 1 and 2, 1989, gave consideration to the attached Clause 12 contained in Report No. 13 of the Land Use Committee entitled, "Extension Of Site Plan Control In The Central Waterfront".

Council adopted the Clause without amendment, and it is forwarded to you for information and any necessary action.

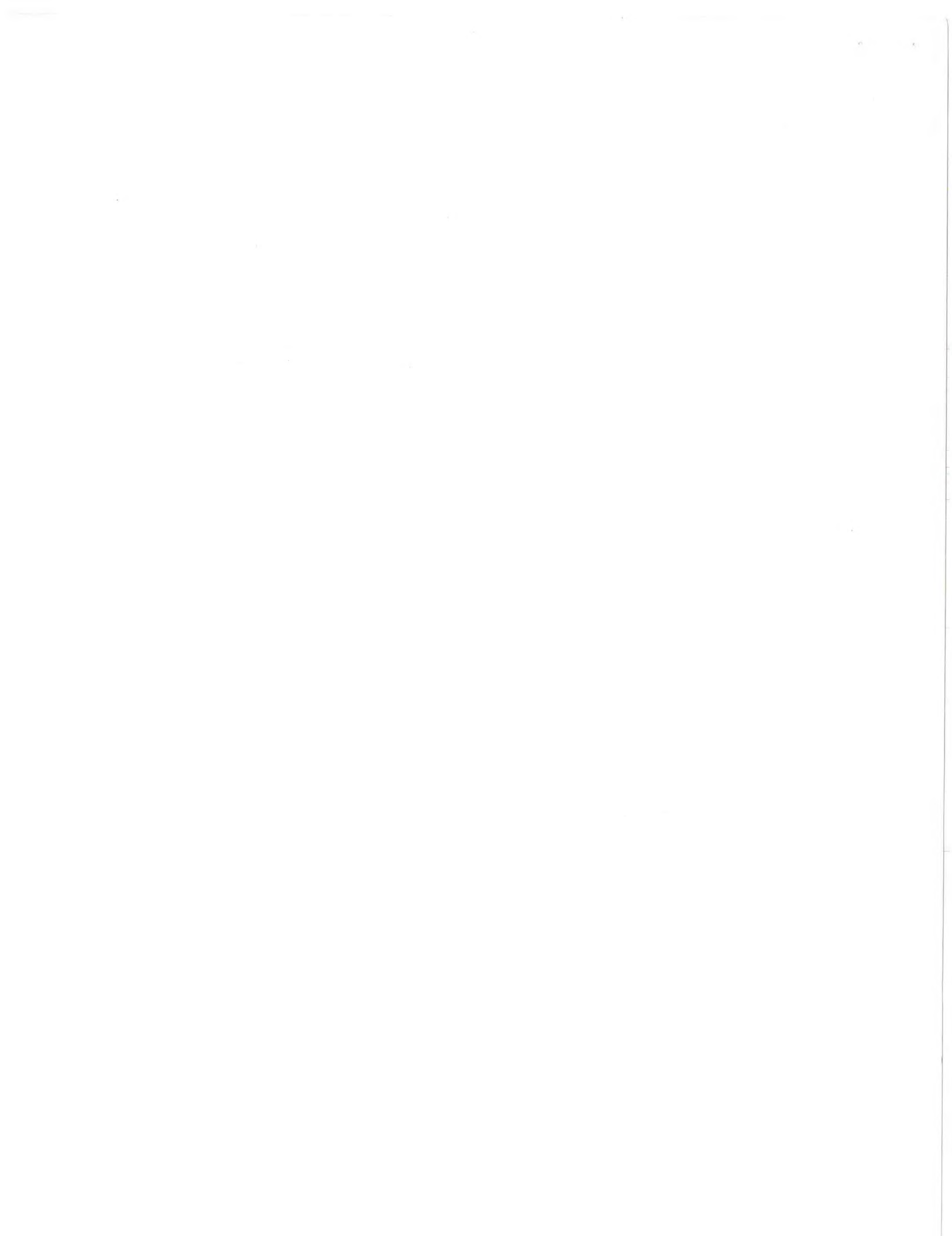
Yours truly,

City Clerk

cd /fp
CD

Encl.

cc: City Solicitor
Commissioner of Planning and Development



CITY OF TORONTO
DEPARTMENT OF THE
CITY CLERK

CLAUSE EMBODIED IN REPORT NO. 13 OF THE
LAND USE COMMITTEE WHICH WAS
ADOPTED BY CITY COUNCIL AT ITS MEETING
HELD ON JUNE 1 & 2, 1989

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12

EXTENSION OF SITE PLAN CONTROL IN THE CENTRAL WATERFRONT

The Committee recommends that the Draft By-law appended to the report (April 18, 1989) from the City Solicitor be approved, and authority be granted for the introduction of the necessary Bill in Council to give effect thereto.

Notice of a public hearing respecting the proposed By-law was mailed to the owners of property affected. The public hearing was held by the Land Use Committee on May 10, 1989. No one addressed the Committee.

The Committee submits the report (April 18, 1989) from the City Solicitor:

Subject: Extension of Site Plan Control in the Central Waterfront

Origin: Land Use Committee meeting of October 5, 1988 (c06luc89345:524)

Your Committee at its meeting of October 5, 1988 adopted the Report (September 23, 1988) from the Commissioner of Planning and Development. The recommendation contained in the Report requested the City Solicitor submit a draft by-law to extend the area of site plan control in the vicinity of the North Shore, the Outer Harbour and the Outer Harbour Headland as zoned by By-law No. 528-88. Enclosed is the draft by-law designating the subject lands as an area of site plan control.

Recommendations:

1. That the City Clerk give notice to the owners of the lands affected by the draft by-law and a public hearing be held by the Committee and that the owners of the lands affected be given an opportunity to speak to the matter. If following a public hearing the Committee wishes to approve the draft by-law, it could recommend:
2. That the draft by-law be approved and that authority be granted to introduce the necessary bill in Council to give effect thereto.

Draft By-Law

No. A By-Law

To designate a certain area in the vicinity of the North Shore, the Outer Harbour and the Outer Harbour Headland as an area of site plan control.

(Passed , 1989.)

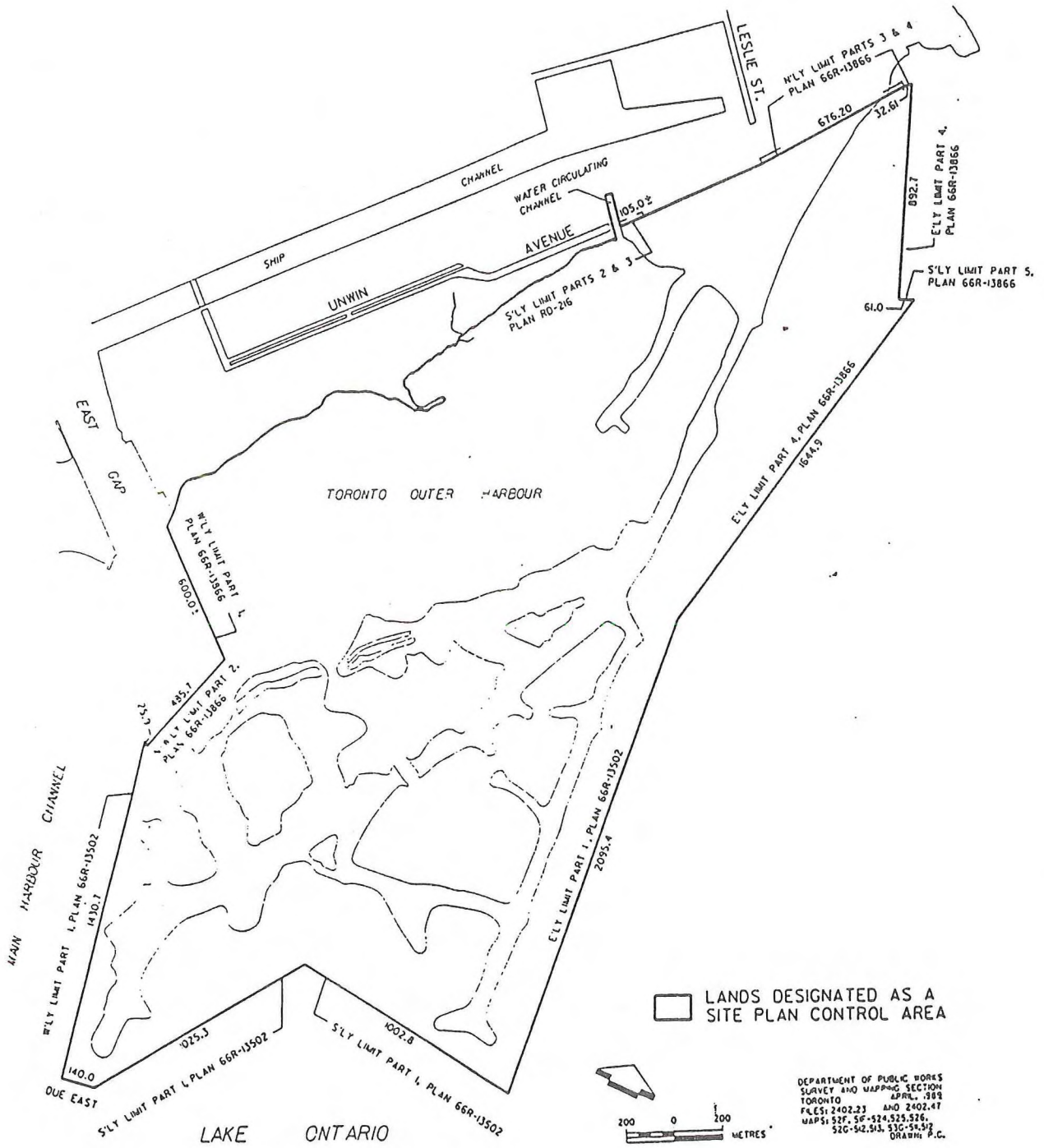
Whereas Council, at its meeting held on the day of , 1989 adopted Clause of Land Use Committee Report No. ;

And Whereas the City of Toronto is described as a proposed site plan control area in the Official Plan in effect in the City of Toronto;

And Whereas Section 40 of the Planning Act permits the Council of a municipality, by by-law, to designate the whole or any part of the area so described by the Official Plan as a site plan control area;

Therefore the Council of The Corporation of the City of Toronto enacts as follows:

1. Map Nos. 51F-524, 51F-525, 51F-526, 52F, 52G-512, 52G-513, 53G-511 and 53G-512 contained in Appendix "A" annexed to By-law No. 239-86, being "A By-law to designate certain lands in the City of Toronto as areas of site plan control", as amended, is further amended by designating the lands shown thereon and outlined by heavy lines on the map attached hereto and forming part of this by-law as an area of site plan control.



The Committee also submits the report (September 23, 1988) from the Commissioner of Planning and Development:

Subject: Extension of Site Plan Control Area in The Central Waterfront

Origin: Commissioner of Planning and Development (c71luc88397:563)

Comments:

1. Summary

The existing designated Area of Site Plan Control for the City of Toronto, as delineated on the map schedules forming part of By-law 239-86, includes only those lands in the Central Waterfront which existed at the time of preparation of the map schedules. Since then, lakefilling has occurred and is ongoing in the Outer Harbour (i.e. The Toronto Harbour Commissioners' proposed Outer Harbour Marina), and in the creation of Tommy Thompson Park. Thus there are existing land areas, which may be extended in the future, which are not within the existing Site Plan Control Area and not subject to the Development Review process. For various reasons elaborated below, I consider it to be in the City's best interests that any land area created through lakefilling, either in the Outer Harbour or as an extension to the Outer Harbour Headland, should be subject to site plan control. To accomplish this, a by-law pursuant to Section 40(2) of The Planning Act is required.

Rather than deal with individual developments on an ad hoc basis, I recommend a comprehensive extension of site plan control to all waterlots which, as a result of the June 17, 1988 Council adoption of Zoning By-law 528-88 for The Central Waterfront, now have a zoning designation.

This report and its recommendations were prepared in consultation with the City Solicitor.

2. Background

Pursuant to Section 40 of The Planning Act, Council may adopt by-laws to designate the whole or any part of an area as a site plan control area, provided any such area is described in the Official Plan as a proposed site plan control area. Section 8B.1 of the City's Official Plan designates the entire City of Toronto as a proposed site plan control area. By-law 239-86, adopted on March 24, 1986, delineates by way of a series of maps the City's Site Plan Control Area. As can be seen on Map 52F of By-law 239-86, attached to this report as Appendix A, the boundary of the Site Plan Control Area for the North Shore and the Leslie Street Spit approximates the land areas as they existed when that map was prepared. Because the Site Plan Control Area in By-law 239-86 is strictly delineated by way of the maps, there is no provision for any extension to cover land areas newly created through lakefilling other than by way of an amendment to the By-law.

Prior to the adoption of By-law 239-86, the Site Plan Control Area was generally described in words (metes and bounds description) in By-law 615-79. The description included the "Outer Harbour East Headland as may be from time to time extended". This automatic extension could not be carried forward in By-law 239-86 due to the precise mapping approach taken in that By-law. The change in approach, from a written description to a mapped area, was made as a result of the new site plan control provisions contained in the revised 1983 Planning Act.

3. Criteria for Establishing Site Plan Control Areas

In a report to the Land Use Committee dated March 29, 1982, which was adopted by Council on June 17, 1982, the Commissioner of Planning and Development recommended procedural guidelines for reporting on new areas of site plan control, as follows:

- "1. The particular characteristics of the area which have prompted the designation proposal shall be clearly identified and public objectives to be secured by the proposal shall be enumerated; areas to be recommended for Site Plan Control shall in general have one or more of the following characteristics:

- a) a special identity, such as historical districts, tourist areas and certain commercial strips;
 - b) mixed residential and industrial development;
 - c) a potential for large-scale redevelopment such as the St. Lawrence, Frankel/Lambert and Harbourfront areas, transportation yards and other large disused and vacant sites in single ownership;
 - d) environmentally-sensitive conditions such as parts of the Waterfront and Port areas whereon there is a diversity of activities;
 - e) natural beauty, including ravines, valleys and the Escarpment, where a considerable amount of development is anticipated;
 - f) matters of access, parking and loading which are of concern because of the impact on nearby land uses.
- “2. Those matters which would be the subject of special concern in reviewing applications shall be highlighted.
- “3. Those reasons why other forms of development control such as the Zoning By-law are inadequate to achieve the objectives to be set out under 1 above shall be set forth.
- “4. Guidelines for new development shall be set forth, and these shall be published in a form such that they shall be available to the public when the Site Plan Control Area by-law is passed by Council.
- “5. Only under very special circumstances shall a Site Plan Control Area by-law be recommended for passing by City Council when identification of its need has not arisen in the course of a Part II or other area study and with an appropriate level of public involvement.”

The same rationale for delineating the North Shore and the Outer Harbour Headland as Areas of Site Plan Control in By-laws 615-79 and 239-86 would also apply to any lakefilled extensions of those areas. They do and will in the future continue to possess the characteristics specifically referred to in criteria 1(d) and 1(f), above; that is, the North Shore, the Outer Harbour Headland and the adjacent waters are environmentally sensitive, and access and parking are very important issues.

The Official Plan Amendment No. 463 (OPA No. 463), establishing more detailed official plan policies for The Central Waterfront, was adopted by Council on June 17, 1988 through By-law 527-88. Some of the “public objectives”, as set out in OPA No. 463, which site plan control will help to achieve, are as follows:

- increase and improve public access along the water's edge;
- maintain and increase views of the water;
- secure excellence in design;
- regulate private automobile traffic on the Outer Harbour Headland;
- protect the environmentally significant and sensitive features of the Environmental Resource Area on the Outer Harbour Headland.

Matters which would be the subject of special concern in reviewing development applications on lakefilled land in that area include: site and building design; parking and vehicular access; walkways and pedestrian access; lighting; landscaping; and servicing. These are all matters which may be addressed in the development review process pursuant to Section 40 of The Planning Act. Zoning controls alone are not sufficient to ensure that these concerns would be appropriately addressed to the extent that the above-mentioned “public objectives” for the North Shore and Outer Harbour Headland would be achieved to the City's satisfaction.

I am not recommending any specific guidelines for new development at this time, since the intent of the recommended by-law is not to cover any specific development, but rather, to secure the opportunity to review development on all new lakefilled areas in general. The newly-adopted objectives and policies of OPA No. 463, plus existing Official Plan provisions, provide general guidelines for considering development.

It should be emphasized that the zoning of waterlots through By-law 528-88 was not intended to encourage lakefilling, but rather to exercise some control over it. Section 5.38 of OPA No. 463 states that "the creation of new land in Lake Ontario.....shall take place only where Council has indicated in the Zoning By-law, prior to commencement of lakefilling, the use to which the land created by lakefilling may be put." Section 5.38 also contains several planning and environmental criteria for evaluating the merits of any such proposed rezoning, including an evaluation of the merits of the proposed use(s). Assuming the proposed uses are appropriate, Site Plan Control will help regulate various aspects of design.

Notwithstanding the policies of OPA No. 463 regarding lakefilling, the City Solicitor has advised that City Council does not have the authority to prevent lakefilling. Similarly, site plan control does not apply to senior levels of government under certain circumstances, ie., development by the Toronto Harbour Commissioners for shipping and navigation purposes.

4. Recommended Extension of Site Plan Control Area

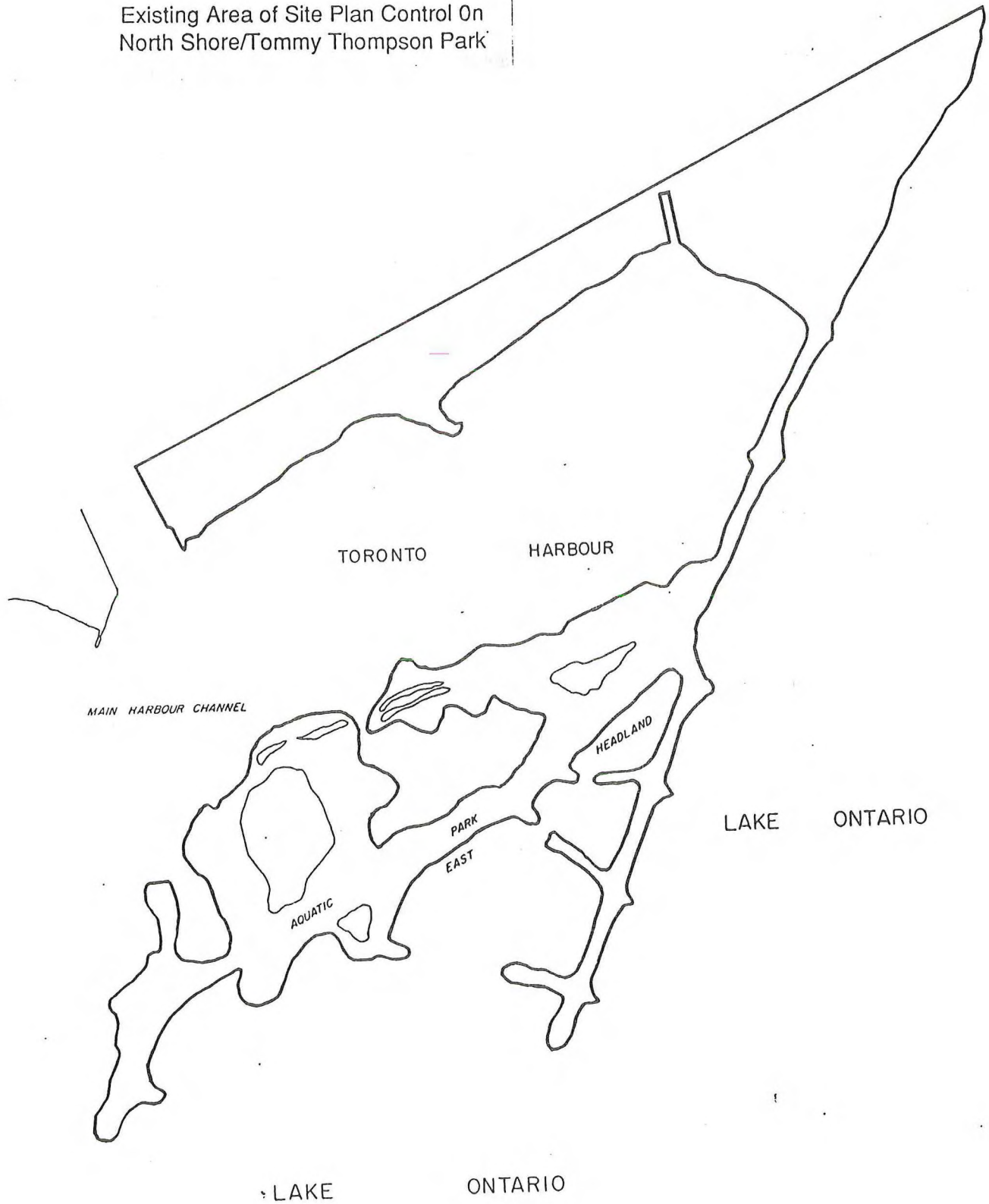
Rather than to attempt to amend the Area of Site Plan Control on the North Shore and the Outer Harbour Headland on an ad hoc basis as new land areas are created through lakefilling, I recommend a comprehensive approach whereby all lands and waterlots in those areas which now have a zoning designation as a result of Central Waterfront Zoning By-law 528-88, adopted on June 17, 1988, will be designated an Area of Site Plan Control. Schedule 5, Map 6 of Zoning By-law 528-88 is attached as Appendix B to this report to illustrate the zoning on the waterlots. Site plan control should be extended to cover any lands and waterlots with a zoning designation in this vicinity which are not already designated an Area of Site Plan Control.

Recommendation:

That the City Solicitor be requested to submit a draft by-law to extend the Area of Site Plan Control in the vicinity of the North Shore, the Outer Harbour and the Outer Harbour Headland to all lands and waterlots which have a zoning designation as a result of Zoning By-law 528-88 and which were not previously included in the Area of Site Plan Control through By-law 239-86.

APPENDIX A

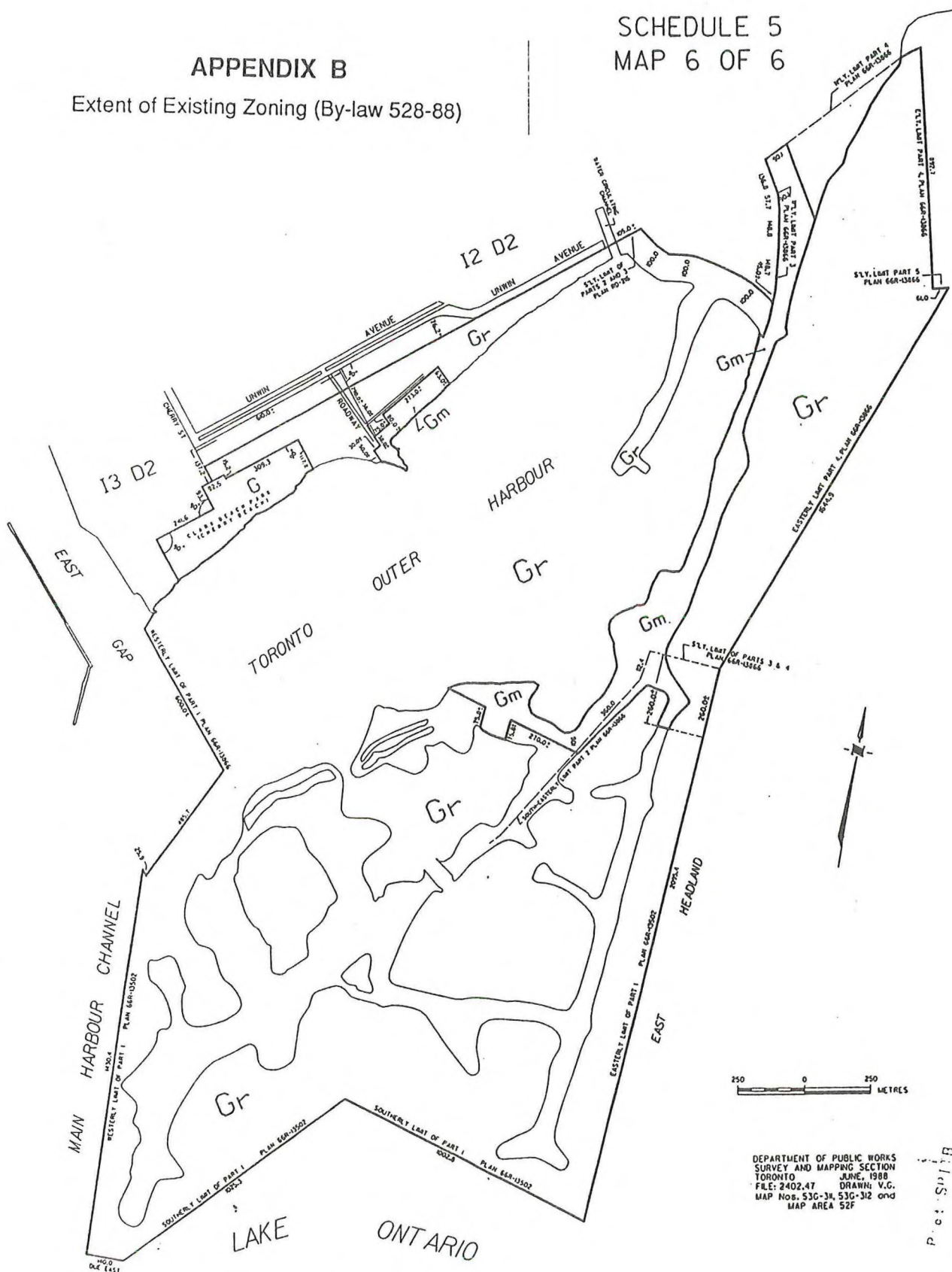
Existing Area of Site Plan Control On
North Shore/Tommy Thompson Park



APPENDIX B

Extent of Existing Zoning (By-law 528-88)

SCHEDULE 5 MAP 6 OF 6



DEPARTMENT OF PUBLIC WORKS
SURVEY AND MAPPING SECTION
TORONTO JUNE, 1988
FILE: 2402.47 DRAWN: V.G.
MAP Nos. 530-34, 530-312 and
MAP AREA 52F

P. of S. 1/1 B