TORONTO

REPORT FOR ACTION

Assessment of the East Harbour Transit Oriented Communities Proposal

Date: January 17, 2022
To: Executive Committee
From: Deputy City Manager - Infrastructure and Development Services Wards: Ward 14 - Toronto-Danforth

SUMMARY

In April 2021, the Province announced a Transit Oriented Communities (TOC) commercial partnership with Cadillac Fairview for the East Harbour site. The TOC partnership proposes to add 302,000 square metres (3.25 million square feet) of residential development, or approximately 4,300 residential units, to the 926,000 square metres (10 million square feet) of employment development previously approved in the Unilever Precinct Secondary Plan and relevant Zoning By-laws. Materials submitted by Cadillac Fairview in May 2021 propose nine residential towers, nine office towers, and a street network similar to the 2018 East Harbour Master Plan. As part of the commercial agreement between Cadillac Fairview and the Province, the two parties negotiated a capital contribution toward matters they expected the City would require for the East Harbour site, including affordable housing, community services and facilities, and hard infrastructure.

The Province is targeting Spring 2022 to issue a Minister's Zoning Order (MZO) to provide zoning certainty for this TOC development. The Province has indicated that this timeline is linked to the construction timelines for the East Harbour Transit Hub, which includes station platforms for the Ontario Line and SmartTrack.

In July 2021, City Council provided direction to staff confirming the City's objectives and priorities for negotiation with the Province and Cadillac Fairview. City staff have engaged with the Province and Cadillac Fairview based on these objectives, which include the objectives and policies in the Council approved Unilever Precinct Secondary Plan. Negotiations have dealt only with matters deemed necessary to conclude the Province's TOC commercial transaction and ensure essential City interests are addressed by the Province and Cadillac Fairview. It is understood that subsequent reviews and approvals will be required given the scale and complexity of the proposal, and the time and engagement required to advance a well-considered plan.

This report reviews the Revised Master Plan for East Harbour and outlines the principles and positions City staff have advanced in the negotiation process with the

Province and Cadillac Fairview. Negotiations were ongoing at the time this report was written.

The City's fundamental goal is to protect East Harbour as a major employment area on the east "shoulder" of the Downtown. If residential uses are to be permitted at East Harbour through the MZO then the TOC proposal must ensure the core parameters for a complete mixed-use community, while protecting this major office function and employment uses within the broader South of Eastern Employment Area. The Province has stated its goal to develop East Harbour as a major employment area and has indicated its agreement with these parameters. Retention of East Harbour as core employment and securing the development of office uses in tandem with residential uses is critical to both ensuring employment uses are predominate on site and preventing further conversions in the broader South of Eastern Employment Area, which plays a key role in supporting the film industry in the City.

Staff are anticipating that a supplementary report to Executive Committee or Council will summarize the negotiated conditions proposed by City staff, including financial terms to address City interests related to the East Harbour Revised Master Plan TOC proposal. It is critical that negotiated terms are secured in a manner that protects the City's interests.

The partnership between the City and the Province on the development of the East Harbour Transit Hub and SmartTrack station, as well as the significant scale, complex enabling infrastructure, unique partnerships and development timing of the East Harbour TOC proposal distinguish it from other TOC sites. East Harbour is a 15 hectare brownfield site that forms a significant portion of the 25 hectare Unilever Precinct, with multiple development blocks and new public streets and parks to be delivered throughout the site. In addition, East Harbour is also subject to a draft plan of subdivision process. By comparison, other TOC proposals in the City of Toronto will see redevelopment of predominately individual parcels within the existing urban structure of streets, blocks, and related infrastructure, with developer partners to be secured after the development permissions are established and through an open market offering process.

The East Harbour TOC proposal also incorporates an extensive enabling infrastructure program. As a brownfield site within an existing floodplain, the East Harbour site requires many infrastructure investments, including flood protection landforms, streets, transit, and underground servicing; all with the appropriate approvals and securities necessary to unlock its full City building and development potential.

A supplementary report to Executive Committee or Council will detail the outcomes of negotiations for East Harbour and will bring forward recommendations for Council consideration.

RECOMMENDATIONS

The Deputy City Manager, Infrastructure and Development Services recommends that Council receive this report for information.

FINANCIAL IMPACT

At the time this report was written, negotiations for the East Harbour TOC were ongoing between the Province, Cadillac Fairview and the City. As a result, the financial impacts associated with the East Harbour TOC are still being determined and will be brought to Executive Committee or Council in a supplementary report once negotiations conclude.

Throughout the City's review and negotiation process of the East Harbour TOC, City staff have advanced positions that safeguard the City's financial position. As outlined in this report, City negotiations have been guided by policies such as growth pays for growth, risk is borne by the applicant, and City interests will be secured against the land to which it applies. City staff continue to advance these interests in negotiations with the Province and Cadillac Fairview.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On February 24, 2016, Planning and Growth Management Committee adopted PG10.7 The Preliminary Report on First Gulf's application for an Official Plan Amendment for their initial development concept on the former Unilever Soap Factory site. City staff were directed to prepare a community consultation work plan with the Ward Councillor, integrating economic development considerations, and to report back to the Planning and Growth Management Committee on a recommended process to undertake comprehensive planning for the precinct in collaboration with the applicant, landowners and stakeholders.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG10.7

On March 28, 2017, City Council adopted PG18.6 Status Update Report on the Unilever Precinct Planning Study, and related zoning amendment and subdivision applications. City staff were directed to commence the Eastern and Broadview Flood Protection Municipal Class Environmental Assessment, and to report to the Government Management Committee on active investigations to consolidate municipal yard functions, including those provided out of the Booth Yard.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG18.6

On December 5 2017, City Council adopted PG24.1 Unilever Precinct Planning Study and East Harbour Application Review - Update. The report provided updated information on First Gulf's revised development proposal, information regarding ongoing public consultation activities, as well as information regarding consultation with Enbridge Gas.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.1

On March 26, 2018, City Council adopted, as amended, PG 27.3 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue - Proposed Modifications to Official Plan Amendment 231 Site and Area Specific Policy (SASP) 426. The report recommended modifications to SASP 426 to modernize the language of that SASP in

support of continued employment land use in that area, to be forwarded to the Minister of Municipal Affairs for approval.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG27.3

On April 27, 2018, the Mayor and the Minister of Municipal Affairs and Housing and Minister of Natural Resources and Forestry entered into the Protocol Regarding the Lower Don Special Policy Area ("Protocol"), 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 Special Policy Area in a manner that is consistent with the Provincial Policy Statement.

On June 26, 2018, City Council adopted, as amended, PG30.5 Unilever Precinct Planning Study Secondary Plan and Planning Framework for an office employment hub supported by transit, flood protection and other infrastructure. The Secondary Plan is in full force and effect.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.5

On July 23, 2018, Council also adopted associated Zoning By-laws for the developer-owned portion of the Precinct to enable their proposed East Harbour development, having received the necessary land use policy approvals associated with SASP 426 on July 20, 2018 via correspondence from the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry. The Zoning By-laws are in full force and effect.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM44.121

On January 29 2020, City Council adopted, as amended, EX12.3 Toronto-Ontario Transit Partnership - Status Update, which included the Ontario-Toronto Memorandum of Understanding on Transit-Oriented Development ("MOU on TOD", now known as the "MOU on TOC") as Attachment 1. The MOU on TOC established a series of shared objectives for TOC and identified the roles and responsibilities of the City and Province for TOC specific to the Province's Subway Program.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX12.3

On February 2 2021, City Council adopted EX20.2 Advancing the SmartTrack Stations Program, which updated terms that will be incorporated into a revised Agreement in Principle to advance the SmartTrack Stations Program. The East Harbour Transit Hub is a SmartTrack Station.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX20.2

On April 8, 2021, City Council adopted IE20.11 Broadview and Eastern Flood Protection Environmental Assessment, directing staff to finalize the Environmental Study Report and issue a Notice of Study Completion, to be placed on the public record for minimum 30 day review period. Staff were also directed to initiate cost-sharing and implementation discussions with stakeholders and report back to the Infrastructure and Environment Committee with a funding and implementation strategy.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE20.11

On May 5, 2021, City Council adopted, as amended, EX23.3 Provincial Transit-Oriented Communities Program, which introduced a proposed expedited process for the City's

review of TOC proposals, reaffirmed South of Eastern as an employment area, and supported the designation of this area as a Provincially Significant Employment Zone.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX23.3

On July 14, 2021, City Council adopted PH25.16 East Harbour Transit Oriented Communities Proposal, which provided direction to staff on the City's objectives and priorities in negotiations with the Province and Cadillac Fairview on the East Harbour TOC proposal, and directed staff to report back to Council in December 2021 on the progress on negotiated conditions related to the Province's and Cadillac Fairview's request to establish zoning certainty, including any financial terms and the next steps on planning approvals for East Harbour.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH25.16

On November 25th, 2021 the Planning and Housing Committee received PH29.13 East Harbour Transit Oriented Communities Proposal that describes the proponent-led planning and public consultation processes, and outlines how City staff have been working to identify and advance City interests for the East Harbour TOC proposal.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH29.13

On December 15th, 2021 City Council adopted, as amended, TE29.17: Transit Oriented Communities Update (Preliminary Report), which provided preliminary planning comments, affordable housing targets, outstanding issues, opportunities to secure City priorities, and a summary of feedback received by Infrastructure Ontario through its public engagement process for Transit Oriented Communities proposals at select sites in Ward 20 - Spadina Fort-York, Ward 13 -Toronto Centre, Ward 14 - Toronto Danforth. Staff were directed to establish a City-led review of the East Harbour TOC proposal through the creation of a local working group, in consultation with the Ward Councillor.
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE29.17

COMMENTS

Memorandum of Understanding on Transit-Oriented Development

On February 14, 2020, the City and the Province announced the signing of the Ontario-Toronto Transit Partnership Preliminary Agreement for the funding and building of subway projects in Toronto. The Agreement included a Memorandum of Understanding on Transit-Oriented Development (now referred to as Transit Oriented Communities), affirming a shared interest in advancing TOC developments, and outlining principles to guide the partnership between the City and the Province to advance TOC proposals.

The MOU notes that the Province is the sole commercial interface in TOC transactions, and includes commitments by the City and the Province to work together to advance TOC proposals that meet shared interests and that have regard for the City's planning vision and objectives. The MOU outlines several shared objectives for TOC developments, including:

- The creation of complete and accessible communities, with employment and residential densities that support higher-order transit in a manner consistent with good land use planning and city-building principles
- An increase in the housing supply, with a range and mix of types that are responsive to the specific context and nature of each unique TOC site, including affordable housing and other types
- Growth in potential transit ridership and improvements / enhancements to the customer experience, as a result of direct access to rapid transit and connections to surface transit
- Increased transit access for residents to employment areas, while further supporting employment growth
- An offset of the costs of building and/or operating transit
- The coordinated delivery of GO Expansion / SmartTrack and the Provincial subway projects with integrated TOC initiatives that result in an adherence to the committed project schedules, and that optimize the utilization of City resources.

Both the Province and the City have committed to ongoing, proactive and good faith collaboration to advance the Ontario-led TOC strategy.

In February 2021, the City and Province concluded an Agreement in Principle (AIP) for the SmartTrack Stations Program. The AIP governs the relationship between the City and Province for the delivery of five SmartTrack stations across the GO network in Toronto. The City has committed to a capital contribution of $1.463 billion for the five stations, which includes a significant investment for the SmartTrack components of the East Harbour Transit Hub. The Province is making a similar investment in the East Harbour Transit Hub related to the Ontario Line.

City staff note that the unlike other TOC proposals, the East Harbour TOC does not offset the costs of building and/or operating transit. Instead, as agreed in the AIP, the Province will flow all TOC proceeds to the City to meet, at City direction, the affordable housing, community services and facilities, and hard infrastructure requirements associated with the build-out of East Harbour.

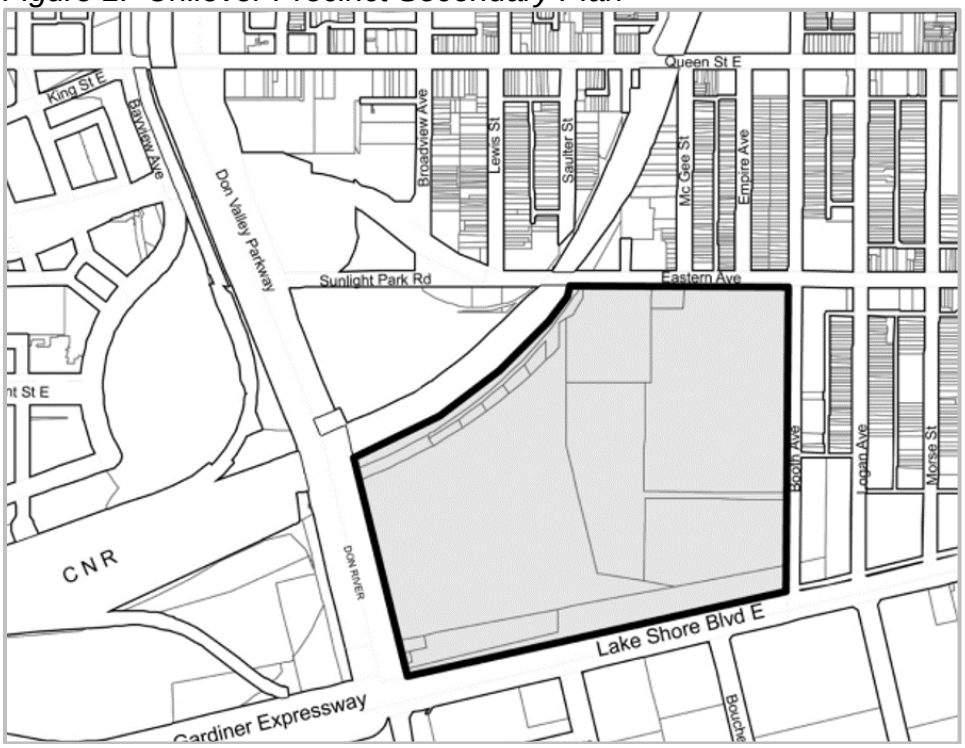
Work is continuing with Metrolinx to confirm the design and delivery of the SmartTrack station. This work is consistent with the negotiations on the East Harbour TOC proposal, but is happening through a separate process being led by the Transit Expansion Division. A key objective of the City's transit investment in the East Harbour Transit Hub is to unlock economic development and jobs at East Harbour.

East Harbour TOC Agreement and Revised Master Plan Summary

In April 2021, the Province announced a TOC partnership with Cadillac Fairview for the East Harbour site. The TOC partnership proposes to add 302,000 square metres (3.25 million square feet) of residential development, or approximately 4,300 residential units, to the 926,000 square metres (10 million square feet) of employment density previously approved in the Unilever Precinct Secondary Plan and relevant Zoning By-laws for East Harbour.

The partnership between the City and the Province on the development of the East Harbour Transit Hub and SmartTrack station, as well as the scale, enabling infrastructure and partnership structure of the East Harbour TOC make it unique within the TOC portfolio. While many TOC sites are small parcels of land with existing urban infrastructure, the East Harbour TOC is a 15 hectare brownfield site within a flood plain that lacks basic streets, transit and underground servicing. The East Harbour site is also part of a larger redevelopment plan for the Unilever Precinct, which includes 8 hectares of City-owned lands. The Unilever Precinct Secondary Plan boundaries are defined as the lands east of the Don Roadway, south of Eastern Avenue and the Metrolinx rail embankment, west of Booth Avenue, and north of Lake Shore Boulevard East.

Figure 1: Unilever Precinct Secondary Plan



The build-out of the East Harbour TOC Revised Master Plan is dependent upon the construction of enabling infrastructure on adjacent sites, including the extension of Broadview Avenue from Eastern Avenue through the Metrolinx rail embankment and the construction of a Broadview-Eastern Flood Protection landform north of the embankment.

Figure 2: East Harbour Revised Master Plan

Minister's Zoning Order

The Minister of Municipal Affairs and Housing has the legislative ability to make a Minister's Zoning Order (MZO) pursuant to the Planning Act. In this case, the City has been advised an MZO would provide the zoning certainty necessary to advance the commercial partnership negotiated by the Province and Cadillac Fairview, allowing the project to meet time sensitive construction timelines for the East Harbour Transit Hub.

The MZO removes the statutory public consultation process and appeal rights that are embedded in the standard planning process. The East Harbour TOC is a large scale, multi-phased development which presents challenges as a candidate for an MZO approach given the limitations of the legislation and the need to secure conditions of approval that are normally addressed through a variety of associated planning instruments. Provincial and City staff have been discussing potential approaches to ensure that the key objectives of the East Harbour development are achieved, while respecting Provincial timelines.

Based on discussions with Provincial staff, the City anticipates the Minister of Municipal Affairs and Housing will release an MZO before Spring 2022 to add 302,000 square metres of residential density at East Harbour among other potential zoning parameters.

The contents of an MZO are ultimately at the discretion of the Minister and neither Provincial staff, nor City staff, can obligate the Minister to release an MZO or to accept specific content. A draft MZO is sometimes shared with municipal staff ahead of its release but the review timelines are often extremely short and there are no guarantees that that the Minister will incorporate feedback into the final MZO.

Given the scale, complexity and long development horizon associated with the build-out of the East Harbour site, City staff have requested that the City be included in drafting and refining the MZO. The Province has advised they are committed to considering City comments in framing the MZO. Furthermore, City staff have requested that the scope of the MZO be limited and deemed a municipal by-law passed by the City so that any future modifications follow standard planning processes.

The Planning Act also permits the Minister to order that site plan control does not apply to specified land and may require that the owner and municipality enter into an agreement dealing with matters set out in the legislation that are similar to site plan conditions. City staff would not support the Minister addressing site plan matters for lands subject to the MZO in East Harbour. This could prevent the City from reviewing and commenting on critical technical requirements such as the location of servicing and access, the location and design of open spaces, sidewalk widths, landscape plans, building materiality and environmental performance, and multiple other issues necessary to secure appropriate development and quality of life measures for new workers and residents. After the MZO is issued, the City expects that Cadillac Fairview will engage in the typical development approvals process with the City, including but not limited to Site Plan Control and the Plan of Subdivision process.

East Harbour Negotiation Mandate

On July 14, 2021, City Council adopted PH25.16: East Harbour Transit Oriented Communities Proposal, and directed staff to engage with Cadillac Fairview and the Province on the proposal subject to several conditions:

- The City's planning approval authority will be preserved for any required planning approvals following the establishment of zoning certainty for East Harbour
- Any required agreements between the Province and Cadillac Fairview will also address the interests of the City
- Initial negotiations will address City interests and will only focus on matters deemed essential to conclude the TOC commercial transaction between the Province and Cadillac Fairview, including any agreements related to the Broadview Eastern Flood Protection landform and the Broadview Avenue extension
- Development of East Harbour will be phased to ensure employment development happens prior to, or concurrently with any residential development, with phases advancing when conditions are met
- The East Harbour development will include a significant component of affordable housing, consistent with City policy and practice
- Cadillac Fairview will cover the normal costs of development
- Parkland and community services and facilities will be provided at an appropriate level to serve the development and sustainability of a complete community
- Improvements to the public realm will be augmented beyond the previous planned levels to serve the additional residential density
- The City will not assume costs for hard and soft infrastructure and services required solely to service the East Harbour residential community.

These Council directives have shaped all City negotiations with Cadillac Fairview and the Province.

City Policies and Approach to Guide Negotiations

Based on discussions with the Province and Cadillac Fairview, City staff have approached East Harbour negotiations under the assumption that an MZO is forthcoming and that the addition of 302,000 square metres of residential density is non-negotiable. While an MZO may change timelines and how City interests are secured, the City has approached negotiations with the expectation that the East Harbour development should align with City planning policies and objectives.

The existing City of Toronto Official Plan, Unilever Precinct Secondary Plan and Unilever Precinct Planning Framework (together, the "Planning Framework") documents provide direction for the redevelopment of the area through a comprehensive visioning statement and a series of recommendations. The Planning Framework built upon the underlying City of Toronto Official Plan Employment land use designation for the area and reflects the results of significant precinct planning work, including technical studies, the concurrent review of development applications, and extensive community and stakeholder consultations. Six main themes to guide redevelopment were identified through the previous public consultation process:

- Planning for Jobs
- Transportation + Transit
- Infrastructure Coordination
- Public Realm + Heritage
- Sustainability
- Built Form

The six themes are supported by 50 recommendations grouped in several categories: Transit & Transportation; Public Realm & Heritage; Land Use & Development; Ecology; and Implementation. The Planning Framework recommendations advance provincial and municipal city-building objectives and are listed in Attachment 1 of this report.

Grounded in the recommendations of the Planning Framework, the fundamental policies and principles that have shaped the City's position in negotiations are as follows:

- **East Harbour will be a major office node**: the Unilever Precinct Secondary Plan assumed East Harbour would accommodate 50,000 jobs in 926,000 square metres of non-residential development. The amount of office space planned for East Harbour is of City-wide and regional importance. Any proposals for new uses at East Harbour must be complementary to its major office node function and the new use must not supplant the area's primary purpose as a major office node.

- **Protect the function of Employment Lands**: non-permitted uses within General and Core Employment Areas have the potential to destabilize an Employment Area and should be reviewed as part of the Municipal Comprehensive Review process.

- **Growth pays for growth**: onsite infrastructure replacement and upgrades are the responsibility of the local developer and the City will only contribute to the incremental costs for upsizing infrastructure to serve a broader geography (i.e. City-wide benefit).

- **Master planning approach for large sites**: large redevelopment parcels within the City require the landowner to consider how their redevelopment proposal will interact with surrounding neighbourhoods. Key elements to consider include the placement of buildings, streets, utilities, the quantity and quality of parkland provided, and the provision of affordable housing and community services and facilities.

- **Affordable housing is secured for large sites and employment land conversions**: to ensure the development of complete communities and to ensure a mix of housing for all household incomes and sizes, the City requires affordable housing to be secured on large sites. Also, as part of the employment land conversion process, the City seeks that a portion of the increased land value that comes with residential permission go toward the achievement of public objectives and city building opportunities, including affordable housing. A significant amount of affordable housing is required onsite at East Harbour to realise these objectives.

- **Community benefits are secured for density increases**: community benefits are required to serve the needs of new and existing residents in the area.

- **Risk is borne by the applicant**: the City cannot assume undue risk, financial or otherwise, associated with a development application. Infrastructure and community benefits are the responsibility of the developer, upon agreement of the value and the terms and standards of any required matters.

- **Phasing of development**: development should be phased in a manner that minimizes disruption to both existing and new residents and businesses onsite and on adjacent properties. Community services and facilities, parks, affordable housing and other City benefits should be provided before or in tandem with residential and non-residential development.

- **Achieve built form and sustainability excellence**: buildings and infrastructure should be sited in a manner that supports the City's standard of excellence for built form and sustainability in the Precinct and the broader waterfront.

- **Certainty of obligations**: City interests will be registered against the land to which it applies and the City may enforce its provisions against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

To help define City interests and benchmark potential outcomes for East Harbour, City staff have also referenced the outcomes of other recent large scale conversion applications in the City, most notably at the Christie, Celestica, and Downsview sites.

Interdivisional Review and Collaboration

The City's review of the TOC agreement and Revised Master Plan has followed a multidivisional approach led by the City Planning Division. Within City Planning, Transportation Planning is leading the coordinated review of all TOC proposals proposed by the Province and involves staff from Community Planning districts, Urban Design, Heritage and Strategic Initiatives as appropriate, together with staff from all divisions involved in Development Review. A comprehensive list of the divisions consulted is provided in Attachment #2.

The compressed timelines for reviewing the East Harbour TOC have necessitated that the City's review focus only on the matters that are necessary to advance development at East Harbour with zoning certainty. Given the scale and complexity of the project, many planning and related matters will continue to be advanced as part of the Draft Plan of Subdivision process and site plan review which will likely proceed in phases.

Materials Submitted with the Application

Cadillac Fairview currently has four submissions / applications under consideration with the City. The City's review of the East Harbour TOC proposal has not taken into consideration Cadillac Fairview's Imagination, Manufacturing, Innovation and Technology (IMIT) applications, which were held in abeyance for a period of time. For clarity, Cadillac Fairview has not submitted an Official Plan Amendment or Zoning By-law amendment application or any fee for the residential development contemplated.

In support of the residential land use proposal, Cadillac Fairview did submit the following supporting materials for the TOC review process involving the City and the Province:

TOC Revised Master Plan Submission	**Draft Plan of Subdivision Resubmission**
1. Mixed-Use Master Plan	1. Cover Letter
2. Master Plan & Planning Rationale Report	2. Comments Tracking Table
3. Community Services & Facilities Study	3. Draft Plan of Subdivision
4. Architectural Drawings	4. Environmental Cover Letter
5. Shadow Study	5. Phase 1 & 2 ESA
6. Phasing Plan	6. Flood Study
7. Landscape Plans	7. Hydrogeological Investigation Report
8. Wind Study	8. Functional Servicing Report
9. D6 Compatibility Study	9. Stormwater Management Report
10. Noise and Vibration Study	10. Functional Road Plan
11. Rail Safety Report	11. Transportation Memo
12. Transportation Considerations Report	12. Infrastructure Phasing Memo
13. TGS Checklist	13. Flood Protection Landform Details
	14. External Infrastructure Interim Sanitary Report and Design Sheets
	15. Geotechnical Investigation and Design Report
	16. Project Data Sheet
	17. Public Park and Servicing Overlay Drawing
	18. Letter to the Toronto Regional Conservation Authority

TOC Revised Master Plan Submission

Cadillac Fairview submitted the East Harbour TOC Revised Master Plan to the City in late May 2021. The Revised Master Plan focuses on how future residents and workers will experience East Harbour through the placement of buildings, parkland, public realm, the provision of community services and facilities, etc. Many of these elements are intertwined with the Draft Plan of Subdivision resubmission materials and have therefore been reviewed concurrently by City staff. As with any typical planning application, these materials were circulated to relevant City divisions and agencies to inform the issues to be resolved.

Draft Plan of Subdivision Resubmission

Concurrent with the TOC submission, in May 2021 Cadillac Fairview also provided an updated Draft Plan of Subdivision submission to reflect the addition of residential development at East Harbour. The Draft Plan of Subdivision resubmission is comprised of technical studies related to proposed streets, utilities, engineering, environmental and flood protection components at East Harbour. Community Planning received the resubmission on May 3, 2021, with supplemental materials added on June 16 and July 20, 2021.

The resubmission responds to comments received from City staff and other agencies based on the March 2019 Draft Plan of Subdivision submission, and also addresses the proposed introduction of residential density at East Harbour. City staff circulated these materials to relevant divisions and agencies for review. Community Planning is leading the City's review and anticipates that the Draft Plan of Subdivision will be brought to Toronto and East York Community Council for consideration later in 2022.

Employment Land Conversion Request

In 2021 Cadillac Fairview also submitted an employment land conversion request pursuant to the City's Municipal Comprehensive Review of the Official Plan. The request is for the entirety of the 15 hectare East Harbour site. Cadillac Fairview's Revised Master Plan for the East Harbour TOC proposes to retain the full existing approved employment permissions on the site, and add residential development.

Prior to preparing a Final Report on the conversion request to Planning and Housing Committee and for Council's consideration, staff will assess the requests against the conversion policies of the Growth Plan (2020) and the Official Plan. This includes a consideration of the need for a conversion to either meet the growth forecasts allocated to the City in the Growth Plan (2020) or to mitigate existing and/or potential land use conflicts. As well, staff will consider the impact of a proposed conversion on surrounding lands, including the potential for the conversion to adversely affect the overall viability of the Employment Area and the maintenance of a stable operating environment for business and economic activities.

It is staff's opinion that the retention of the subject lands as employment and their designation as Core and General Employment Area should be secured to the greatest extent possible through mechanisms that ensure both the provision of employment uses on site and means to prevent further conversions in the South of Eastern Employment Area to the east.

Imagination, Manufacturing, Innovation and Technology (IMIT) Application

In August 2020, Cadillac Fairview applied to Toronto's IMIT Property Tax incentive program. Cadillac Fairview filed 3 applications; one for each office building proposed. They also applied for an additional component of the IMIT Program-Brownfield Remediation Tax Assistance (BRTA) that provides financial support for the remediation of the land where the employment use would be located.

The overall IMIT Program was approved by Toronto City Council in 2008 to support new building construction in targeted employment sectors and uses across the city. Eligible developments benefit from a grant back of 60 per cent of the increase in the municipal taxes attributable to the eligible development over a 10-year period. BRTA approval would provide additional financial assistance directed toward the remediation of the land associated with the eligible employment use. Each Cadillac Fairview IMIT application has an estimated construction value greater than $150M. This estimated construction value triggers the requirement for Council review that includes a third party review as to the need for incentives. The application processing and third party review is led by the Economic Development and Culture Division. The staff report to Council for these applications is expected to be presented in the second quarter of 2022.

Summary of Preliminary City Comments

The addition of residential uses at East Harbour introduces a range of considerations that were not contemplated in the Unilever Precinct Secondary Plan. City staff have spent the past six months working with Cadillac Fairview to better understand how their vision will create a complete mixed-use community while maintaining East Harbour as a major office node. Of equal importance, the City has focused on the impacts of the East Harbour TOC proposal on the broader South of Eastern Employment Area and surrounding residential neighbourhoods. Based on ongoing dialogue with Cadillac Fairview, City staff have prepared and shared extensive comments with both Cadillac Fairview and the Province.

The City and Province have had regular meetings with Cadillac Fairview to discuss City comments and explore options to respond to the issues raised to date; however, no formal revision to the Master Plan or materials have been submitted by the applicant.

A summary of City comments is provided below. Attachment #3 to this report further elaborates on these issues and will be addressed in subsequent planning work with Cadillac Fairview.

- **Phasing**: a detailed, long term phasing plan is required to ensure streets, utilities, community services and facilities, parks, and other amenities are provided as development progresses, including the cadence of non-residential land uses which should be proportionate with residential development
- **Office Development**: the introduction of new uses must not change the vision or expectation that East Harbour will be a major office node supported by transit. The compatibility of new uses with existing and planned employment land users are also

important and are being considered as part of the Municipal Comprehensive Review process

- **Community Benefits**: existing community services and facilities are not adequate to meet the needs of East Harbour residents and businesses and the existing Master Section 37 Agreement did not anticipate a residential population on site. Additional community services and facilities are required to create a complete community
- **Affordable Housing**: the City expects a meaningful portion of the new residential development to be in the form of affordable housing, consistent with City policy
- **Public Realm**: the industrial cultural heritage, positioning of open spaces and corresponding sight lines were important components to the urban structure of the Unilever Precinct Secondary Plan and in-force East Harbour zoning. Further dialogue is required with Cadillac Fairview to refine how these elements have been integrated into the Revised Master Plan
- **Built Form**: buildings and the public realm will collectively create an authentic place that benefits both East Harbour workers and residents, as well as the broader community. Shadow and wind impacts should be limited and in compliance with Official Plan and Secondary Plan policy
- **Parkland**: the addition of 7,000 plus residents to the 50,000 workers already anticipated at East Harbour requires parkland to be provided onsite in large, contiguous blocks to meet the needs of the local community. The parkland proposed in the Revised Master Plan is disjointed and not sufficiently sized to meet the programing needs of future residents and workers
- **Industrial Heritage**: consistent with the Unilever Precinct Secondary Plan, City staff strongly encourage the retention of elements of the Soap Factory Building
- **Street Network**: all streets within East Harbour are to be public and conveyed to the City. The public-private status of the proposed laneway in the northwest quadrant will be addressed as part of the Draft Plan of Subdivision process
- **Enabling Infrastructure**: coordination and cost sharing arrangements for enabling infrastructure are necessary and should reflect the benefit to each party. Design details for the extension of Broadview Avenue and the east-west collector street are being advanced by the City through Phases 3 and 4 of the Municipal Class Environmental Assessment (EA) process. The EA was put on hold in 2020 and a portion of 2021 as a result of the uncertainty with the East Harbour development. A report to City Council on the Recommended Designs is currently anticipated in the second quarter of 2022, following public consultation on Alternative Designs and their evaluation
- **Site Servicing**: any new, replacement and/or upgrades of infrastructure at East Harbour are the responsibility of the local developer and the City will only contribute to the incremental costs for upsizing infrastructure to serve a broader geography (i.e. City-wide benefit)
- **Conveyances**: land will be conveyed to the City following standard City policies, including soil remediation and risk management. Any modifications to existing policies will require Council approval
- **Environmental Policies**: sustainability was a key element of the Unilever Precinct Planning Framework and Cadillac Fairview should commit to meeting higher tiers of the Toronto Green Standard at East Harbour

- **Transportation Demand Management**: a comprehensive Transportation Demand Management (TDM) strategy, in combination with active transportation infrastructure, is required to meet the ninety percent non-auto modal split
- **Schools**: the forthcoming MZO should include "schools" as a permitted use and Cadillac Fairview should plan for the potential of a public elementary school onsite, to be negotiated separately with the school boards
- **East Harbour Transit Hub**: the City's investment in the SmartTrack components of the East Harbour Transit Hub are premised on unlocking employment and economic development at East Harbour.

City Interests Requiring Immediate Resolution

Based on the City principles and priorities defined above, City staff have identified the following City interests requiring immediate resolution. It is important to note that there are many items that will need to be resolved beyond the interests identified below. The City interests below represent only those interests that require immediate action in order for staff to recommend conditional support for the East Harbour TOC proposal at this stage. City staff continue to advance these interests in negotiations with the Province and Cadillac Fairview.

Phasing of Development

Development at East Harbour should be sequenced over multiple phases to support a logical build-out of the site. It is understood that build-out of the site will take place over multiple decades. Within each phase, office development should advance prior to, or in lock step with, residential development. Similarly, streets, other transit improvements, utilities, community services and facilities, parkland, and other amenities should be phased with development to meet the growing needs of future businesses and residents.

Protection of the South of Eastern Employment Area

The City is seeking commitments on the development of employment uses at East Harbour to match residential development. The primary purpose of East Harbour is to be a major office node that performs a critical employment function within the South of Eastern Employment Area and broader City, taking advantage of the significant transit investment that will bring access to the regional labour force. The employment character and function of East Harbour envisioned in the Unilever Precinct Secondary Plan and approved by Council will likely be supplanted if unfettered residential development is permitted.

As noted in PH30.5: Our Plan Toronto: Employment Area Conversion Requests - Preliminary Assessments Group 1, Toronto is largely built-out and there is fierce competition for land and space:

> Toronto's Employment Areas face considerable pressure to convert to permit a broader range of uses, including mixed-uses and major retail […] permitted conversions tend to create a precedent, signalling the potential for additional conversions at a later date. Such a trend could further erode the City's

employment land base and its ability to accommodate the types of jobs and businesses that rely on the location and site-specific characteristics of lands designated Employment Areas.

If residential development is allowed to proceed without mandating that office development occur prior to or at the same time, and to a similar degree, this will create uncertainty about the primary function of East Harbour. Under this scenario, it will become increasingly challenging to insulate the Unilever Precinct, and the broader South of Eastern Employment Area, from residential conversion pressures. This would directly undermine the significant transit investment the City is making at East Harbour. The City's interests are tied to East Harbour achieving a significant level of jobs, including as part of the initial phase of development, commensurate with local transit investment and the area's planned importance supporting the Downtown office market. This will also help protect the film and creative industries that are present in the South of Eastern Employment Area.

The 2018 Planning Framework documents recognized the need to support the City's economic competitiveness through reimagining what was possible at East Harbour under the Official Plan's Employment land use designation. There is no comparable opportunity in the City, or the region, to establish a significant cluster of jobs linked to the regional transit network and supportively integrated with the downtown core. This opportunity only exists because of East Harbour's Employment designation: where residential permissions exist, the land value escalation will drive more residential growth.

Overall, successful, vibrant employment lands provide multiple benefits to City residents. Employment lands offer a diversity of jobs close to where people live and provide the only viable place in the city for businesses requiring separation from other uses sometimes due to noise, activity or odour issues. Employment lands are also a key contributor to the success of the City. Not only do they provide the space for new office jobs but they have a multiplier effect on the City in terms of transit use, services to support employment and they generate significant tax revenues.

The Province and Cadillac Fairview have advised, and City staff acknowledge, that the residential development proposed is intended to be complimentary and contribute to the success of the majority commercial development, animating the site as a mixed use area, and transforming it into a Protected Major Transit Station Area.

Affordable Housing

The development of 4,300 new residential units at East Harbour requires the provision of affordable housing to achieve a mix of housing for a diverse range of household incomes. On large sites, the City works to secure the delivery of affordable housing using three options: (i) convey land for 20% of total units; (ii) provide 10% of the built units for a defined period of time; or (iii) convey 5% of the built units to the City. These different options are intended to recognize the time and cost associated with the various delivery options. The affordable housing component for large sites is separate from other community benefits, as demonstrated recently on the Mr. Christies site in Etobicoke.

As part of the negotiation process, City staff have followed Council's direction for affordable housing units to be secured long-term (99 years) or for the City to own and lease to a not-for-profit. City staff are also mindful of Council's recent December 2021 direction in TE29.17: Transit Oriented Communities Update (Preliminary Report), that going forward, all the new housing in Transit Oriented Communities align with Inclusionary Zoning targets with a goal of reaching thirty percent of all units affordable; and to make affordable housing a key priority in all negotiations with the Province and its agencies. It should be noted that the Minister has the authority under the Planning Act to exercise any of the powers conferred on Council respecting Inclusionary Zoning for the lands covered by a MZO.

Community Services and Facilities

The East Harbour site is physically disconnected from community services and facilities in the surrounding area, and where community services and facilities do exist, many are already experiencing pressures that would be increased by additional residents. The timelines for new facilities in other precincts, such as in the McCleary District to the south in the Port Lands, address the planned growth requirements to serve those new communities and they do not offer the opportunity to serve the significant residential population now being proposed at East Harbour. For these reasons, East Harbour must include a number of priority facilities and services that will ensure that the residential growth proposed is appropriately served. In recent discussions, Cadillac Fairview has committed to the delivery of these critical services; the terms for this are currently under negotiation.

East Harbour community services and facilities should be constructed by Cadillac Fairview and be provided to the City through a fee simple, strata conveyance. The valuation of these onsite facilities should reflect the incremental costs of delivering these facilities based on 2022 construction costs and should be included in the Cadillac Fairview financial contribution.

The Province will need to define the legal mechanism to ensure that these space requirements are registered against the land to which it applies and that the City may enforce its provisions against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land. These provisions must also address the phasing of the facilities, to ensure their timely provision to both support growth and advance the larger facilities on appropriate sites that will serve as the focal point for residents and workers. The City and Province have been exploring appropriate mechanisms for this, including approaches taken on other projects.

Onsite Community Recreation Centre

City staff have identified the need at East Harbour for a community recreation centre of approximately 6,200 to 6,500 square metres that includes dual anchor uses (double-gymnasium and pools - instructional and leisure). The community recreation centre should have good connectivity to dedicated parkland and be delivered in one of the earlier phases of development. If integrated within one of the proposed towers, it should be on the first and second floors, with high visibility and a prominent ground floor

presence, and with appropriate floor to ceiling heights to accommodate the pool and gymnasium. The facility should meet the City's design standards for a community recreation centre. Cadillac Fairview would take on the design, construction and finishing of the facility in collaboration with city staff.

Onsite Child Care Facilities

Cadillac Fairview will design, construct, finish, and convey two 62-space non-profit licensed child care facilities to the City of Toronto to serve East Harbour. One facility should be located in close proximity to the East Harbour Transit Hub and be delivered in the first phase of development.

For each child care facility, Cadillac Fairview will also provide a one-time cash contribution towards toys, furnishing, equipment and the City's Child Care Capital Reserve Fund. Cadillac Fairview's capital contribution will fund these one-time cash contributions.

Offsite Library Upgrades

The Cadillac Fairview capital contribution will fund capital improvements for library upgrades in the local community, including potential opportunities at the Queen Saulter, Jones and Riverdale Branch locations. The distribution of the capital improvement allocations will be at the discretion of City Council.

Onsite Optional Elementary School Space

The Province should incorporate "schools" as a permitted use within future zoning for East Harbour. Cadillac Fairview should plan for the provision of 6,500 square metres of podium space for a potential Toronto District School Board (TDSB) elementary school at East Harbour, subject to funding being made available. The school would accommodate the needs of approximately 500 students and the TDSB will confirm the precise square footage requirements once detailed accommodation planning has been completed by the TDSB.

Schools will provide their own outdoor play space by maximizing the outdoor space that is available on their site, including building on top of the podium or at-grade to ensure students, faculty and staff have dedicated access to open space that is designed for their educational needs.

The City and local school boards may cooperate at the sole discretion of each party, where appropriate, to secure shared use of a portion of public parkland and school facilities or outdoor spaces, in order to maximize utilization and community access if a Shared Use Agreement is in effect.

Built Form and Scale

The overall scale of development proposed at East Harbour, with 50,000 jobs and 7,000 residents, is significant in the Toronto context. While its land use mix is different, the 18

towers proposed at East Harbour is similar to the recently approved Mr. Christies development which will see 15 tall buildings on 12 hectares of land on the western waterfront. The process to achieve a comprehensive agreement on the Mr. Christies development plan took 18 months and involved a commitment to work with staff and the public through revisions and modifications to address issues and set the project on a successful path for future incremental approvals which will settle the myriad of details required for a project of this scale.

As a matter of principle, a commitment to understanding the scale of East Harbour and the desire to create a human scale, diverse and high quality well considered community is required. The need for good place making that creates public spaces that promote economic and social inclusion, health and well-being is important and must be prominent and balanced with private development objectives in order to fully integrate this area into the fabric of the City.

Industrial Heritage

The Unilever Precinct has a rich history and future development should acknowledge and respond to this defining characteristic. While the site has not been listed or designated under the Ontario Heritage Act, the industrial cultural heritage of the East Harbour site is prominently expressed in the Lever Brothers Soap Factory Building and there are other existing onsite resources that reinforce the area's character. Opportunities exist to frame views, transition building heights toward heritage resources, and to incorporate specific architectural treatments on adjacent buildings.

The City's preference is for Cadillac Fairview to preserve the Soap Factory Building in its entirety since the building can be a centerpiece for the development and an anchor for the organization of the public realm. City staff understand that full adaptive reuse may no longer be possible, based on new information about contamination of the structure still to be shared with the City. At a minimum, the Soap Factory's southwestern and southern facades should be incorporated into the footprint of future development at the site.

Parks and Public Realm

Parks

East Harbour will be home to 7000 new residents and over 50,000 future office workers. Creating a new mixed use community at this scale requires a system of parks and public realm to ensure the creation of a complete community. The City requested that Cadillac Fairview consider applying the large site dedication rate of 20% that would create 21,000 square metres of dedicated parkland. Cadillac Fairview initially proposed a parkland dedication in excess of the alternative rate of 7,335 square metres.

The City was not supportive of this approach, given the deficiency in parkland in the surrounding area, intensity of development being proposed, the inability of this amount of parkland to serve the outdoor recreation needs of the new community, and support the Community Recreation Centre and any potential new school. In response to the

City's concern, Cadillac Fairview proposed the conveyance of 8,300 square metres of dedicated parkland.

This would allow for the creation of an expanded park within the southwestern quadrant of the East Harbour site to maximize the utility of the park and would allow for the provision of some of the basic park amenities that will serve the new mixed-use community, such as a playground, sports court, play lawn, and/or a dogs off leash area. This park should be a minimum of 4,700 square metres and it should be delivered as part of the first phase of development.

In addition, Corktown Commons Policy 7.2.2 of the Unilever Precinct Secondary Plan should remain, which will ensure that the structure of the proposed built form at East Harbour should not cause any net new shadowing onto Corktown Commons Park.

Any additional residential development beyond the 302,000 square metres of residential gross floor area proposed will require the conveyance of additional parkland calculated at the alternate rate in force at the time of the application with the objective of increasing the size of new parks in East Harbour. This will ensure there would be sufficient parkland secured for any additional residential population.

Public Art

Cadillac Fairview will participate in the Percentage for Public Art Program administered by City Planning for the residential portion of the East Harbour development. The public art contribution will be funded by Cadillac Fairview's capital contribution. This contribution is over and above the $10.5M previously secured as part of the existing Master Section 37 Agreement for non-residential density.

Enabling Infrastructure

Broadview-Eastern Flood Protection

The Broadview-Eastern Flood Protection project facilitates the construction of the multi-modal East Harbour Transit Hub and unlocks the full development potential of the Cadillac Fairview site. The design, approval and construction of the flood protection works requires the coordination of the multiple parties who have construction activity planned in the area. The coordination of construction activity, as well as cost sharing for the cumulative costs of construction, business losses and land costs, is essential to advance this project.

Broadview Avenue Extension North of the Rail Embankment

A cost sharing approach is required for the construction of the Broadview Avenue extension between Eastern Avenue and the Metrolinx rail embankment. Cost sharing between the City and Cadillac Fairview for this extension should reflect the City's Local Service Policy and Guidelines, and be on a percentage basis since current construction estimates prepared by the City are based on conceptual design. The City will be looking for detailed design and construction of the Broadview Avenue extension

between Eastern Avenue and the Metrolinx rail embankment to be undertaken by the developer. This remains to be confirmed.

Existing Master Section 37 Agreement Modifications

The Province will ensure that the provisions contained in the existing East Harbour Master Section 37 Agreement (October 5, 2018) will remain in effect once an MZO is issued for East Harbour. The existing terms in the Master Section 37 Agreement include:

- A Cultural Community Space of 2,800 square metres, leased to the City for 25 years
- An Incubator Space of 1,400 square metres, leased to the City for 25 years
- An offsite affordable housing contribution of $5.0M
- $10.5M for public art
- $1.0M for a multi-use trail adjacent to the Don River
- $3.5M for libraries, daycares, parks or other priorities identified by the City
- $1.2M for Cultural Community Space finishes
- $0.6M for Incubator Space finishes

Modifications to the timing of when Section 37 Benefits are provided by Cadillac Fairview will be required to reflect the addition of residential permissions onsite and its impact on the phasing of development and other aspects.

Public Consultation

To date, public consultation has been led by the applicant and the Province. The Province and Cadillac Fairview established a Local Advisory Committee and held three public meetings in 2021 to get feedback from the community on the TOC proposal. A summary of public feedback from their open houses and advisory committee was provided in PH29.13*:* East Harbour Transit Oriented Communities Proposal - Status Update. As planning continues for the project, a thorough and comprehensive community engagement strategy will be developed in consultation with City Planning staff and the Ward Councillor, involving a broad range of stakeholders, including but not limited to resident associations, local businesses, BIAs and others.

Cadillac Fairview has committed to ongoing community engagement on the East Harbour development. The City expects this to be led jointly by the City and Cadillac Fairview, with all costs covered by Cadillac Fairview. Consultation feedback should be integrated into the emerging and final designs of the East Harbour development. All phases and stages of development will involve full community engagement.

The City will also create a City-led local working group, in consultation with the Ward Councillor, to review the East Harbour TOC proposal from a City Planning policy perspective. The working group will convene virtually in February / March 2022. The proposed scope and details of the community engagement strategy are provided in Attachment #4.

Planning Process

Given the scale, complexity and long development horizon associated with the build-out of the East Harbour site, the City wishes to preserve its municipal planning process to the greatest extent possible at East Harbour. If the MZO is deemed a municipal by-law then any future minor variance or Zoning By-laws amendments would follow the standard City process for development applications, including applicable fees. The City expects that Cadillac Fairview will engage in the typical development approvals process with the City after the MZO is issued. In this regard, Cadillac Fairview submitted an application for approval of a Plan of Subdivision to the City.

Ultimately, the MZO for East Harbour will determine the scope of what planning matters remain within City Planning's domain. Given the uncertainty around the scope of the MZO and potential ramifications on the City's ability to address planning matters going forward, it is important for the City to be involved in drafting and refining the MZO. The Province has committed to considering City input in the drafting of the MZO. This will ensure better alignment between the City, Cadillac Fairview and the Province as the East Harbour TOC advances through approvals and development.

In the future, any proposed modifications to the composition of uses at East Harbour should be subject to a Master Planning process led by City Planning and Official Plan and Zoning By-laws amendments should also be led by City Planning.

Supplementary Report

It is anticipated upon the conclusion of discussions with the Province, that a supplementary report will be brought to the January 26, 2022 Executive Committee meeting or the February 2, 2022 Council meeting, providing the negotiated key terms for the East Harbour TOC. City staff will seek Council approval to confirm the negotiated terms.

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ATTACHMENTS

#1 - Unilever Precinct Planning Framework Recommendations
#2 - City Interdivisional Review and Collaboration
#3 - Planning Matters to Address for the East Harbour TOC Master Plan
#4 - Approach to Community Engagement for East Harbour

Attachment #1 - Unilever Precinct Planning Framework Recommendations

In June of 2018, City Council endorsed the Unilever Precinct Planning Framework as a tool to guide redevelopment and support implementing policy, zoning and other regulatory tools. The Planning Framework may be viewed here: https://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-117703.pdf

The 50 recommendations outlined in the Unilever Precinct Planning Framework are as follows:

Planning for Jobs

- Unilever Precinct is uniquely positioned to accommodate major employment growth and support infrastructure investment.
- Office employment uses are critical to the economic success of the City, and the downtown has immense pressure to accommodate this demand for office space.
- The economic benefits of employment uses extend beyond job creation—they also help to keep residential property taxes low and fund important services and programs.
- Jobs are an essential component of complete communities.

Transit & Transportation

- The Precinct will be linked to and served by a major transit hub.
- The transit hub will accommodate direct and seamless pedestrian interchanges.
- The transit hub and associated public spaces will have prominent frontage on public streets.
- The street network within the Unilever Precinct will comprise several street types, each serving a prescribed function.
- Streets design will reflect Complete Streets and Green Streets principles, accommodating different functions and users.
- Broadview Avenue will be designed as the signature street of the Precinct, with an emphasis on transit and pedestrian spaces.
- Major streets will accommodate high volumes of vehicular traffic while maintaining an inviting and active pedestrian realm.
- Local streets will be designed as intimate and flexible spaces, and may have several uses sharing the same space.
- Streets will accommodate curbside demands.
- Streets will be designed to be film-friendly.
- Public sidewalks will be the primary focus of pedestrian activity in the Unilever Precinct. Generous and comfortable sidewalks will be provided on all major streets.
- Public sidewalks will be complemented by mid-block connections and underground pedestrian connections.
- Protected cycle tracks will be provided on all major streets in the Unilever Precinct.
- A multi-use path will be developed along the flood protection landform east of the Don River.

- The Broadview Underpasses will be attractive, inviting, and friendly to pedestrians and cyclists.
- Parking, loading, and servicing functions will be internalized within buildings and connected by an underground circulation system accessed from local streets.
- Development will be accompanied by a comprehensive, robust, and enforceable Travel Demand Management (TDM) plan.

Public Realm & Heritage

- Public realm design will maximize user comfort and amenity.
- Parks and open spaces will be designed to accommodate a range experiences and activities to help animate the public realm beyond traditional office hours and in all seasons.
- Design and location of public realm elements and retail uses should be carefully coordinated to support the success of both spaces as thriving destinations.
- The series of parks, open spaces, and pedestrian connections will establish an attractive, safe, and inviting public realm network throughout precinct, linking it to surrounding parks and communities, and complementing the renaturalized Don River.
- Twinned transit plazas will ensure efficient circulation and access while offering a memorable arrival space.
- A new public park will serve as a green gateways into the Unilever Precinct and will support a range of programming opportunities.
- A series of smaller plazas and pedestrian connections will add to the richness of the public realm, creating more intimate spaces and options for pedestrian travel throughout the precinct.
- A naturalized edge overlooking the Don River will create a safe and functional relationship with the river and create opportunities for pedestrian connections across the river.
- The Precinct's unique Indigenous and industrial heritage will be highlighted and celebrated through public realm design and built form.
- Public art will be included throughout the precinct and will contribute to creating a sense of place.
- The preservation of views and vistas, and the creation of internal views, will be considered in the design of the precinct's public realm and the placement of buildings.

Land Use & Development

- The precinct will be developed as a vibrant hub of office employment supported by a range of non-residential uses that activate the district beyond traditional office hours.
- A variety of retail uses will be concentrated along the New Street E providing amenities for current and future workers and the broader community.
- The precinct will retain and expand on spaces for culture sector employment and business.
- The precinct will foster film, television and digital media sectors.
- The precinct will provide opportunities for live music performance.

- New development will be compatible with existing major facilities that operate within or near the precinct.
- A suite of supportive employment community services and facilities will be delivered in coordination with new development to distinguish the precinct as an attractive and desirable place to work, shop, and do business.
- The design of buildings will make a positive contribution to the Toronto skyline, reflecting both the uniqueness of the area and its important relationship to the downtown.
- Building heights will peak near the transit hub, and will transition in scale to support contextual fit, to reduce shadow impact, and to ensure appropriate density based on planned and existing infrastructure.
- Setback and stepback requirements will further refine the built form envelope to ensure a coherent and pedestrian-oriented streetscape.
- Base buildings in the precinct should employ a 1:1 relationship with the width of the right-of-way, and should support a human scale and comfortable pedestrian environment with an animated ground floor.
- Use and design of the ground floor will animate and enliven the public realm.
- Tall buildings will have a minimum tower separation distance of 25 metres to ensure access to sunlight and sky views.
- Buildings will be organized to promote design excellence, innovation, and sustainability.

Environment & Resiliency

- An Energy Strategy will be prepared for any proposed development in the Precinct, to reduce overall energy consumption and integrate renewable energy sources.
- Servicing and stormwater management strategies will reduce consumption, improve water quality, and mitigate flood risks.
- Redevelopment of the precinct will enhance ecological health through habitat creation, strategic design, and use of native species.

Implementation

- Development of the precinct will be coordinated with the delivery of supporting infrastructure, and will be implemented in a manner that minimizes impacts to surrounding neighbourhoods.

Attachment #2 - City Interdivisional Review and Collaboration

Transportation Planning has consulted with the reviewed the TOC agreement and Revised Master Plan with the following City divisions and colleagues from other organizations.

- Children's Services
- City Planning
  - Community Planning
  - Heritage
  - Strategic Initiatives, Policy and Analysis
  - Urban Design
  - Waterfront Secretariat
- Economic Development & Culture
- Energy and the Environment
- Engineering and Construction Services
- Corporate Financial Strategy and Policy
- Housing Secretariat
- Legal Services
- Parks, Forestry and Recreation
- Social Development, Finance & Administration
- Toronto Water
- Transit Expansion Office
- Transportation Services

The City has also consulted with colleagues from other organizations, including:

- Toronto and Region Conservation Authority
- Toronto Catholic District School Board
- Toronto District School Board
- Waterfront Toronto

Attachment #3 - Planning Matters to Address for the East Harbour TOC Master Plan

To date, negotiations with the Province and Cadillac Fairview have focused only on those matters required to address City interests in relation to the commercial arrangement between the other two parties. There are many outstanding matters that would normally have been addressed prior to rezoning. The City anticipates that after the East Harbour MZO is finalized, Cadillac Fairview will continue to work with the City to resolve planning matters as part of the standard development review process, including Plan of Subdivision and site plan applications.

City Planning Policies and Approach

The City's work with the Province and Cadillac Fairview has been guided by the vision, objectives and policies of the Unilever Precinct Secondary Plan, other City policies and Council direction. The City will apply the same approach following the establishment of residential zoning permissions at East Harbour.

Phasing

Subject to any terms that may be addressed through the MZO, the City expects to work with Cadillac Fairview on a comprehensive phasing plan that identifies when all components of development (such as buildings, streets, utilities, and amenities) will be delivered at East Harbour over the long term. The City will also need to see a construction staging plan that addresses the impacts on businesses and residents, both at East Harbour and within the broader community.

Employment Development

The City's interests are tied to East Harbour achieving a significant level of job creation, including as part of the initial phase of development, commensurate with local transit investment and the area's role supporting the Downtown office market. The City is also interested in supporting and protecting the film and creative industries that are present in the South of Eastern Employment Area. The City will work with Cadillac Fairview on strategies to integrate residential development at East Harbour in a manner that is sensitive to the needs of businesses within the Unilever Precinct and the South of Eastern Employment Area.

Site Layout, Built Form and Design Principles

The addition of significant residential density to approved employment development at East Harbour requires careful consideration of building placement, heights and densities in order to optimise the overall character and functioning of the site. City staff and Cadillac Fairview have shared high level design principles for the site and more dialogue is required to finalize the principles that will guide overall development.

Public Realm

The addition of residential uses at East Harbour introduces a range of public realm impacts that were not considered in the Unilever Precinct Secondary Plan. For example, buildings have been repositioned and are taller to accommodate the increased density, and many of the previously approved POPS have been reduced in size.

The Open Space Network Plan envisioned in the Planning Framework created a diversity of interconnected public and private open spaces with clear visual and physical linkages. This created a legible structure where pedestrians can loop around East Harbour on both sides of Broadview. In the Revised Master Plan the streets, pedestrian connections and building frontages are not aligned, which has weakened the sense of connectivity. As a result, many of the long view corridors are lost and views towards internal landmarks are missing.

The orientation and placement of buildings in the Revised Master Plan also creates open space configurations that are more linear and not ideal for programming. Many of them feel like interstitial spaces between towers. This is especially evident in the Western Transit POPS, where the plaza is elongated along Broadview Avenue instead of creating a wider open area at the Transit Hub entrance and opening up into the central plaza and flood protection landform areas. Further work is needed to refine these spaces to achieve improved pedestrian experiences.

Parks

The Revised Master Plan distributes 7,365 square metres of parkland over three parcels at East Harbour. These parcels are small, disjointed and are not sufficiently sized to accommodate a variety of park programming. Compared with the previous Development Concept Plan, the Revised Master Plan provides 5,035 square metres of incremental parkland to meet the needs of the 7,000 plus residents proposed onsite. This is significantly below the quantity of parkland that the City deems appropriate.

The City's preference for large sites, such as East Harbour, is for the applicant to undertake a Master Planning approach whereby the streets and blocks are considered before density, and for 20% of the land area to be dedicated parkland. Securing large dedicated parkland blocks at East Harbour, capable of robust programming to meet the needs of the residents and workers, is essential to creating a thriving complete community. The City will continue to explore opportunities with Cadillac Fairview to expand and consolidate parkland at this site.

Industrial Cultural Heritage

The Unilever Precinct has a rich history and future development should acknowledge and respond to this defining characteristic. The industrial cultural heritage of the East Harbour site is prominently expressed in the Lever Brothers Soap Factory Building and other existing onsite resources that reinforce the area's character. City staff have encouraged Cadillac Fairview to recognize the value of including some conservation of the Soap Factory complex as a way to maintain the important industrial heritage

character of East Harbour. Cadillac Fairview continues to advance demolition rather than conservation and has cited the building's size, the condition of the façades, extensive onsite contamination, the obsolescence of the space for tenants, and underground parking configuration. City staff recognize that full adaptive reuse may not be possible, and would expect to review studies, reports or other materials prepared for Cadillac Fairview in an effort to find a solution.

The area's Indigenous and industrial heritage are key components of the Unilever Precinct Secondary Plan and were to be recognized as well as inform the public realm and built form. The conservation and integration of the Finishing Building, the most visible building within the complex, is a key organizing piece in the Precinct Plan and provides authenticity and a sense of place to East Harbour.

The current proposal by Cadillac Fairview offers no conservation of the identified heritage resources on the site and a current Heritage Impact Assessment has not been provided.

Street Network

A number of details related to the design of the street network and access to buildings will be finalized as design progresses through the Draft Plan of Subdivision process. For instance, further discussions are required regarding the location, function and ownership status of the proposed private connection shown within the northwestern quadrant of East Harbour. The City also has questions about the location and number of loading ramps to East Harbour buildings. Regarding the ownership status of Street "A" in front of the East Harbour Transit Hub, Cadillac Fairview should reclassify the street from private to public ownership to be consistent with City policy.

Transit hub

As a transit-oriented community, the East Harbour development should be seamlessly integrated with the East Harbour Transit Hub, including the incorporation of functional rail safety elements to the approval of the City's rail safety peer reviewer. The City will continue to work with Cadillac Fairview on how open spaces and public connections, including the Multi-Use Trail across the Don River, will function between East Harbour buildings and the Transit Hub.

Site Servicing

The City is committed to expediting our review of East Harbour servicing and has been working with Cadillac Fairview to find solutions for the complex geotechnical and phasing issues for onsite and offsite servicing. For example, the below grade Hydro One infrastructure adjacent to the Don Roadway and the integration of East Harbour water, sanitary and storm water infrastructure in the Lake Shore Boulevard East, Bridge and Public Realm Project highlight the need for collaboration to advance development at East Harbour. The City acknowledges the benefits of resolving these matters before Draft Plan of Subdivision approval and will work out the form of an agreement with Cadillac Fairview on acceptable terms necessary for implementation, subject to Council approval. For clarity, the costs of delivering local road and utility infrastructure at East

Harbour will be at the applicant's expense and will be informed by Local Services Policies and Guidelines (e.g. Street "E", improvements to Booth, the Bouchette extension, etc.).

East Harbour Flood Protection Landform

The East Harbour flood protection landform is an integral piece of the Don Mouth Naturalization Plan and is required for the development of East Harbour. For the portion of the landform that is north of future Street "E", the Revised Master Plan incorporates POPS elements on the dryside and a strata ownership arrangement is proposed by Cadillac Fairview.

A stratified ownership arrangement would encumber the ability of public bodies to inspect and maintain the flood protection landform. Furthermore, the existing Master S.37 Agreement requires the East Harbour flood protection landform be in public ownership. The City will continue to work with Cadillac Fairview and the Toronto and Region Conservation Authority on programming this open space element.

Conveyances

Cadillac Fairview has brought forward a proposal to transfer streets to the City prior to a Record of Site Condition being secured. Cadillac Fairview has also proposed that some portions of streets be transferred to the City in an "as is" condition. It is anticipated that existing onsite environmental conditions will necessitate a long term soil vapour and ground water monitoring program on private property.

East Harbour will comply with City standard conveyance policies and Cadillac Fairview will prepare and submit their proposed risk mitigation strategy to the Province for consideration. City staff will continue discussions with Cadillac Fairview on opportunities to align conveyance timelines with broader construction timelines, while protecting the interests of all parties.

Toronto Green Standard Requirements

Cadillac Fairview has committed to achieving the minimum requirements of the Toronto Green Standard which apply to all new developments in the City.

Sustainability was one of the six themes identified by stakeholders as part of the Planning Framework and the importance of sustainability at this site has not diminished. The City believes that East Harbour should be a leader in environmental sustainability and innovation. Consistent with the Official Plan and Council's goal of achieving net zero emissions for new buildings by 2030 or sooner, the applicant should pursue a strong focus on environmental sustainability, including targeting performance measures that meet higher tiers of the Toronto Green Standard (TGS) Version 4.

Cadillac Fairview is also a partner in the City’s Green Will Initiative which invites building owners across Toronto to partner with the City to accelerate the reduction of greenhouse gas emissions from buildings, the largest source of greenhouse gas emissions in Toronto. To date, the Initiative has brought together 21 of Toronto's major

building portfolio owners who are committed to leading the way and taking bold action to reduce their buildings' emissions to net-zero. In December Council accelerated the net zero target for new development by revising the Toronto Green Standard Tier 1 greenhouse gas emission limits starting in 2025 such that by 2028 all new development will be required to achieve near-zero emissions. The City looks forward to working with Cadillac Fairview on implementing the City's net zero greenhouse gas emissions targets through innovative approaches to the sustainable design of buildings, landscapes and infrastructure at East Harbour.

Transportation Demand Management

A comprehensive Transportation Demand Management (TDM) strategy is required to monitor and adaptively manage vehicular access to East Harbour, a fundamental support to the proposed office and now residential density onsite. The previously approved Master Plan was premised on a target of 90% non-auto mode split; the addition of 7,000 residents increases the importance of achieving this objective.

As part of the Draft Plan of Subdivision process, Cadillac Fairview will develop a Preliminary TDM plan for the entire site that focuses on overarching TDM goals, objectives and a monitoring and reporting strategy. As part of the Draft Plan of Subdivision process, Cadillac Fairview will develop a Preliminary TDM plan for the entire site that focuses on overarching TDM goals, objectives and visions. These will then be refined and customized as development progresses by quadrant / phase. The City will work with Cadillac Fairview through the site plan process on matters related to planning, implementation and the coordination of elements and provisions, including:

- Bike-share stations
- Car-share spaces
- Bike repair stations
- Memberships services, pre-loaded Presto cards, information screens, etc.

Existing Section 37 Benefits

The City will continue to work with Cadillac Fairview on how the benefits secured in the existing Master Section 37 Agreement will be incorporated into the Revised Master Plan. Key components that require further conversation include the phasing of benefits and the locations and early delivery of both the 1,400 square metre Incubator Space and the 2,800 square metre Cultural Community Space.

Attachment #4 - Approach to Community Engagement for East Harbour

Background

In April 2021, the Province announced a Transit Oriented Communities (TOC) commercial partnership with Cadillac Fairview for the East Harbour site. The TOC partnership proposes to add 302,000 square metres (3.25M square feet) of residential density, or approximately 4,300 residential units, to the 926,000 square metres (10M square feet) of employment development previously approved in the Unilever Precinct Secondary Plan and relevant Zoning By-laws. Materials submitted by Cadillac Fairview in May 2021 contemplate a mixed-use development featuring nine residential towers, nine office towers, and a street network similar to the 2018 East Harbour Master Plan.

Over the summer and fall of 2021, Infrastructure Ontario and Cadillac Fairview led a public consultation process on the TOC proposal.

In December 2021, City Council directed staff working on the Employment Conversion requests for the Municipal Comprehensive Review to hold a meeting, in consultation with the Ward Councillor, on the East Harbour Transit Oriented Communities proposal. The meeting is to include materials outlining the existing zoning and current approvals for East Harbour, as well as the contribution of core employment lands to Toronto's economic viability and maintenance and creation of and development high value-added jobs.

Council also directed staff to convene a meeting, in conjunction with the Ward Councillor, with any public members of the Infrastructure Ontario/Cadillac Fairview led Local Advisory Committee who are interested in reviewing the East Harbour Transit Oriented Communities proposal; and

Lastly, Council directed staff to create a City-led local working group, in consultation with the Ward Councillor, to review the East Harbour Transit Oriented Communities proposal from a City Planning Policy perspective.

City staff were also directed to meet with the Toronto Youth Cabinet to discuss the East Harbour TOC proposal.

Public Consultation Goals

The goal of these public consultations is to review the East Harbour TOC proposal from a City policy perspective, and to get input into City positions on the further design and development of East Harbour. Among a range of matters, consultations will highlight the City's existing zoning and approvals for East Harbour, as well as the contribution of core employment lands to Toronto's economic viability, and the creation and maintenance of high value-added jobs.

As the East Harbour TOC proposal advances through further planning and design, City Planning will work with Cadillac Fairview to guide and shape further community engagement.

Objectives

1. To inform stakeholders and community representatives about City policies and positions related to East Harbour.
2. To provide an opportunity and means to engage with these groups to receive feedback that will help to inform the planning and decision-making process for East Harbour going forward.
3. To provide opportunity for this feedback and exchange of information directly with City officials.

Public Consultation Facilitator

City staff will engage a public consultation facilitator to help design and run these initial East Harbour meetings. The role of the consultant will be as follows:

- Design and implement a public consultation program that matches the goals and objectives as defined by City staff in consultation with the Ward councillor.
- Assist the City with the design of meetings, including virtual meetings, including locations, invitations, meeting formats, and information to be exchanged.
- Lead and facilitate the stakeholder meetings.
- Collect and summarize information, questions and feedback acquired from these meetings.

City-Led Working Group

In consultation with the local Councillor, a range of local community groups and stakeholder organizations will be invited to join a City-led Working Group to discuss the East Harbour TOC proposal. The working group will review the TOC proposal and receive background information on the employment land conversion request and the Municipal Comprehensive Review process.

The working group will have its first meeting in February/March 2022. This Working Group will also provide a forum for City staff to consult with stakeholders as the East Harbour development advances through the planning process.

With input from the Ward Councillor, local organizations from the following broad categories will be invited to participate in the working group:

Local BIAs and Resident Associations
Community Centres
Transit and Active Transportation Organizations

Arts and Culture Organizations
Environment, Sustainability and Parks Organizations

City staff will also participate in working group meetings, with relevant teams to be involved as needed. This will primarily include (but is not limited to):

Transportation Planning
SIPA (Official Plan team)
Community Planning
Urban Design
Parks, Forestry and Recreation
Transit Expansion Office
Transportation Services
Economic Development and Culture
Social Development, Finance and Administration (Toronto Youth Cabinet)

Additional Consultation

Broader consultations may be scheduled as required. The City is looking to Cadillac Fairview to continue their engagement with the community as their proposal moves forward. The City will work with Cadillac Fairview to frame and guide ongoing discussions with key community stakeholders.