



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

East Bayfront – Further Report on Partial Settlement of Appeals of By-law 1049-2006 - Environmental Issues

Date:	October 17, 2011
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division and City Solicitor
Wards:	Ward No. 28- Toronto-Centre Rosedale
Reason for Confidential Information:	This report relates to a litigation matter before the Ontario Municipal Board on the East Bayfront-West Precinct Zoning By-law (By-law No. 1049-2006).
Reference Number:	Cc11042

SUMMARY

In this report staff seek further direction with respect to the Ontario Municipal Board hearing continuing November 15 and 16, 2011, on a partial settlement of appeals to By-law 1049-2006 relating to environmental issues concerning the Redpath Sugar facility located at 95 Queens Quay East.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division and the City Solicitor recommend that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. Council authorize the public release of the recommendations approved by Council together with Attachment 2 after Council's approval with the balance of the information to remain in-camera.

FINANCIAL IMPACT

The adoption of this report will eliminate the costs associated with an estimated three week hearing on the matters dealt with herein.

DECISION HISTORY

At its September 25, 26 and 27, 2006 meeting, Toronto City Council adopted Zoning By-law 1049-2006, a new zoning bylaw applying to both private and publicly-owned lands in the East Bayfront – West Precinct. Subsequently, a number of OMB appeals were received from landowners within the precinct as well as from Tate and Lyle Ltd., then-owner of Redpath Sugar (Redpath). To date, the Ontario Municipal Board has approved on a settled basis, the zoning by-law and secondary plan provisions to permit the Corus project in July 2007 as well as a second settlement for the balance of the City owned land south of Queens Quay East between Jarvis Street and the Parliament Street slip, in November 2007. The related Council decisions are contained at EX8.16, April 24, 2007 in <http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-3392.pdf> and <http://www.toronto.ca/legdocs/mmis/2007/cc/bgrd/m137.pdf> respectively.

ISSUE BACKGROUND

The East Bayfront West Precinct Zoning By-law is part of the overall Central Waterfront Secondary Plan OMB approval process. It remains necessary to resolve issues of land use compatibility with Redpath Sugar, a continuing industrial operation at the western boundary of East Bayfront. The OMB is now dealing with the lands located on the north side of Queens Quay East within East Bayfront. The parties with lands north of Queens Quay East have continued to negotiate the noise and air quality issues through a process involving the Ministry of the Environment.

At this time, and utilizing the resumption of the OMB hearing on November 15 and 16, 2011, there is an opportunity to implement a further settlement which would result in a final OMB approval for the lands north of Queens Quay East comprising Sherbourne

Park North, Parkside and Quayside, owned collectively by Waterfront Toronto and the City of Toronto. This approval is essential for the timely development of Parkside which features a landmark mixed use condominium project now well advanced in the design stage.

CONTACT

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SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1: East Bayfront –Report on Partial Settlement of Appeals to By-law
1049-2006 –Environmental Issues