



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

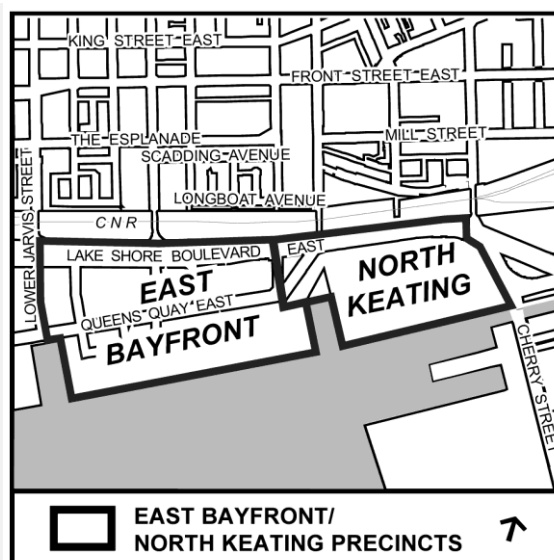
**Central Waterfront Secondary Plan – East Bayfront-
Further Request for Directions Report**

Date:	May 5, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 28 – Toronto and East York District
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.
Reference Number:	File No. 13-254013 SPS 00 TM

SUMMARY

The City of Toronto passed the Central Waterfront Secondary Plan (CWSP) in April 2003; and subsequently zoning by-laws for East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010). Owners of six of the private development sites in the two precincts have filed appeals to the Central Waterfront Secondary Plan and the area specific by-laws. At its meeting on March 20, 2014, City Council adopted confidential instructions to staff in the report (February 5, 2014) from the City Solicitor and the Director, Community Planning, Toronto and East York District.

This report provides advice regarding confidential instructions approved by Council on March 20, 2014, and seeks further direction for the partial resolution of the appeals to be dealt with at an OMB hearing currently scheduled to commence on May 26, 2014 as set out in the Confidential Attachment.



Ongoing negotiations have resulted in a potential resolution with two of the three appellants in East Bayfront. This report outlines the outstanding issues and requests further direction from Council regarding the appeals to the Ontario Municipal Board. These discussions commenced in 2013 and previous steps were reported on in an “Information Report” in November 2013.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.41> The link to the Council action at its meeting on March 20, 2014 is as follows:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.17> The current report addresses outstanding issues to be resolved with the appellants to the May OMB hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 2 of this report;
2. If adopted, the Recommendations in Attachment 2 and Maps 2 and 3 be released when settlement is achieved, with the balance of Attachment 2 to remain confidential.

Financial Impact

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

DECISION HISTORY

Since adoption of the Central Waterfront Secondary Plan in April 2003 and the implementing Zoning By-laws for the East Bayfront and North Keating Precincts in 2006 and 2010 respectively, approximately 20 owners filed appeals to the Ontario Municipal Board. Within the 2 precincts, there are 6 private land owner/developer appellants, as well as community members who are parties or appellants to the hearing. Each land owner/developer appellant has raised a variety of concerns respecting their development options, as well as the requirement to provide Affordable Rental Housing and other matters. Issues being addressed in the OMB hearings include building height, massing and tower location, park or open space dedication, provision of Affordable Rental Housing and how to accommodate sensitive land uses in close proximity to the Redpath facility.

Currently, OMB hearings on the first two of the appeals are scheduled to begin on May 26, with additional hearing time set aside for mid-October running to the end of 2014 to address issues related to the other sites. In an attempt to resolve issues, both City and Waterfront Toronto staff have continued a series of meetings with the appellants to find reasonable grounds for settlement or scoping of the hearings. In this process, additional issues have been identified and are discussed in the Confidential Attachment to this report.

ISSUE BACKGROUND

City and Waterfront Toronto staff representatives continue working to finalize resolution to the appeals lodged after the adoption of the CWSP in April 2003 and enactment of implementing zoning by-laws for the East Bayfront and North Keating Precincts in 2006 and 2010 respectively.

Site and Surrounding Area

The East Bayfront and North Keating Precincts stretch east from the foot of Jarvis Street to Cherry Street and generally between the water's edge north to Lake Shore Boulevard East. Approximately half of these lands are privately owned with the balance being under the control of the City or Waterfront Toronto. This report addresses issues related to the Kintork/Nuko (Daniels) and 162 Queens Quay Inc., shown as Sites "A" and "E" on the attached Map 1.

Official Plan

The Central Waterfront Secondary Plan recognizes the value of infrastructure improvements that were being provided in the Central Waterfront by the various governments and defined a set of four core principles, being: (A) Removing Barriers/Making Connections, (B) Building a Network of Spectacular Waterfront Parks and Public Spaces, (C) Promoting a Clean and Green Environment, and (D) Creating Dynamic and Diverse New Communities. These broad principles are addressed in the Precinct Plans, and the Zoning By-laws for these areas reflect the development envisioned by the Precinct Plans.

Zoning By-laws

The development opportunities defined by the East Bayfront (By-law No. 1049-2006) and North Keating (By-law No. 1174-2010) by-laws currently permit increased opportunities for mixed-use buildings complemented by public and private open space, public access to the water's edge and a redeveloped Queens Quay Boulevard. The original zoning for these lands allowed only for industrial and limited retail uses.

In the East Bayfront Precinct, the Zoning By-law defines building envelopes appropriate to implement the form of development envisioned by the Precinct Plan. No absolute gross floor area limits are defined, but can be approximated based on a detailed analysis of the built form, the definition of setbacks, tower locations and height limits.

COMMENTS

This report seeks Council's further direction with respect to appeals on the Kintork/Nuko (Daniels) site and the 162 Queens Quay East site. Attachment 2 sets out in more detail the matters related to these two appeals.

In respect of the Redpath matters, the City has agreed to assist the parties in ensuring that residential and any other "sensitive land uses" within this area will follow a process to address environmental matters.

CONTACT

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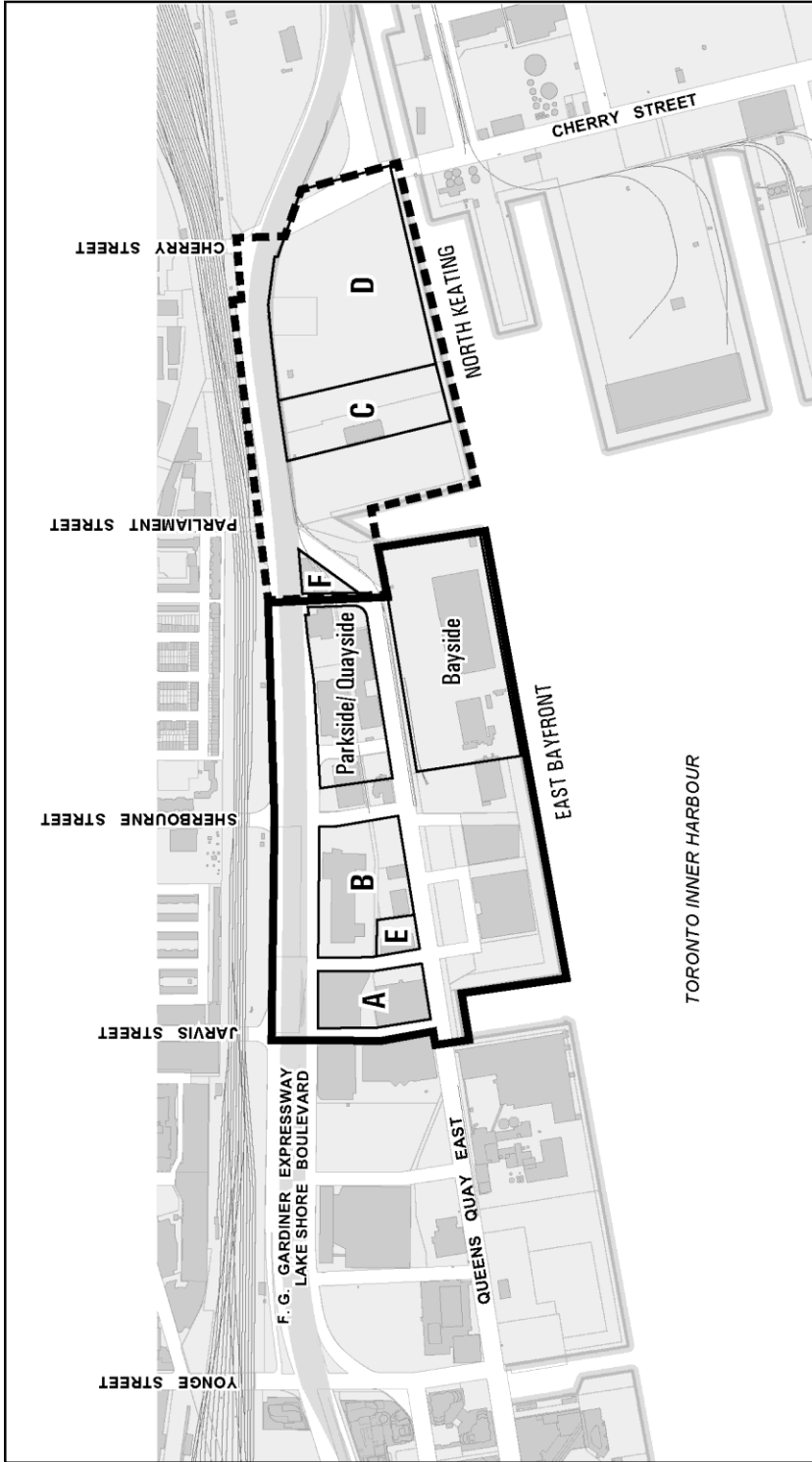
SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: Map 1 Central Waterfront- OMB Appealed Sites
Attachment 2: Confidential Information

Map 1 - Central Waterfront OMB Appealed Sites



Map 1 - Central Waterfront OMB Appealed Sites



- A** Kintork / Nuko (Daniels)
- B** Fedex 1147390 and 161774 Ontario Limited
- C** Silo / Castan Marland III
- D** 3C Lakeshore Inc.
- E** 162 Queens Quay Inc.
- F** Hauptert (Lake Shore Boulevard East)

East Bayfront and North Keating Precincts

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