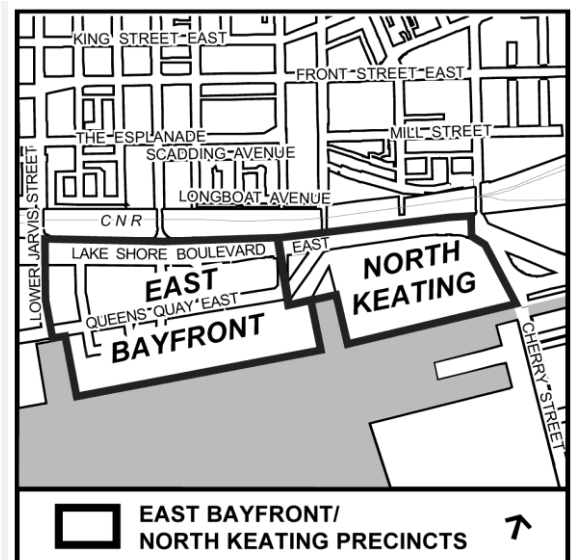


**Central Waterfront Secondary Plan, East Bayfront and North Keating Precincts – Further Request for Directions Report**

<b>Date:</b>	December 3, 2014
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 28 – Toronto and East York District
<b>Reason for Confidential Information:</b>	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.
<b>Reference Number:</b>	

**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 meetings on July 8, 9, 10, and 11 and on August 25, 26, 27 and 28, 2014, City Council adopted confidential instructions to the City Solicitor and the Director, Community Planning, Toronto and East York District. At its meeting on August 25, 26, 27 and 28, 2014, Council further directed the City Solicitor to prioritize the discussion of concerns raised by the appellants regarding development charges



and the tenure of Affordable Rental Housing, and to report back to the December meeting of City Council regarding any potential resolution of these concerns and the outstanding Ontario Municipal Board appeals.

This report responds to Council's request for a further report, and seeks further direction respecting the appeals, as set out in the Confidential Attachment.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 1 of this report;
2. If adopted, the Recommendations in Attachment 1 be released in the discretion of the City Solicitor as described in Attachment 1, with the balance of Attachment 1 to remain confidential.

### **Financial Impact**

The financial implications resulting from the adoption of this report are discussed in the Confidential Attachment.

## **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 these two precincts, there are six 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 discussed 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.

These settlement 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 links to the Council action at its meeting on March 20, 2014 and on July 8, 2014 are as follows:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.17>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.19>

This report addresses outstanding issues to be resolved with the appellants after the adoption of the August 18, 2014, staff report by City Council at its meeting on August 25, 26, 27 and 28, 2014:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC55.13>

Currently, the OMB has scheduled dates in January, February and March of 2015 to mediate and hear evidence with respect to any settlement of the OMB appeals, and to address issues related to these four remaining 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.

## **ISSUE BACKGROUND**

City and Waterfront Toronto staff representatives have continued to work 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 "FedEx site", the "Silo site" and the "3C site", all shown as Sites "B", "C" and "D" 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.

## **COMMENTS**

This report responds to Council's request for a further report on issues regarding development charges and the tenure of Affordable Rental Housing in the Central Waterfront. Confidential Attachment 1 sets out in more detail the matters related to these appeals.

## **CONTACT**

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## **SIGNATURE**

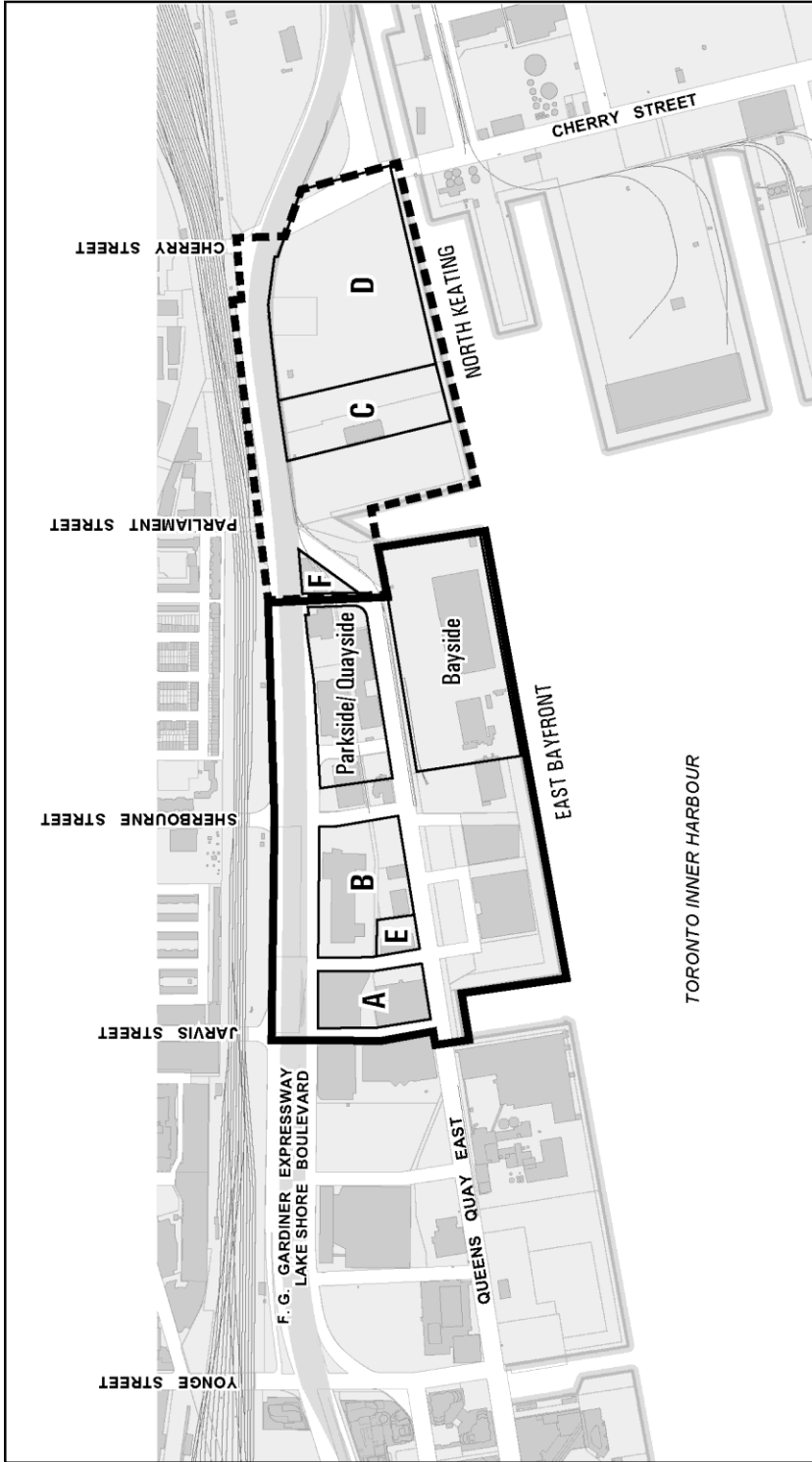
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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

1. Map 1 Central Waterfront - OMB Appealed Sites
2. Attachment 1- 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

File # 13 254013 SPS 00 TM

