



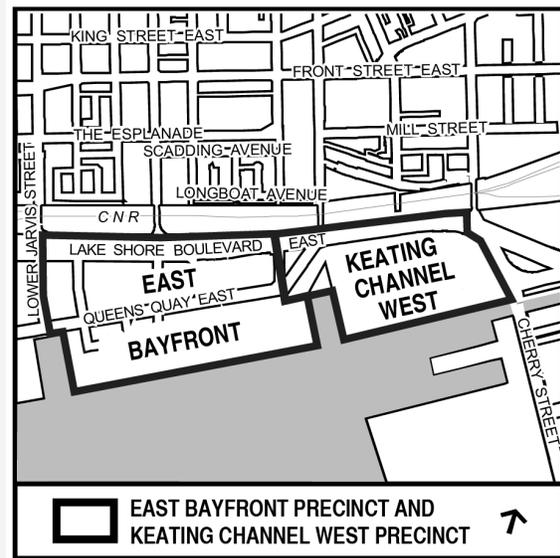
**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**Central Waterfront Secondary Plan – Further Request  
for Directions Report**

<b>Date:</b>	January 28, 2016
<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>	File No. 13-254013 SPS 00 TM

**SUMMARY**

The City of Toronto passed the Central Waterfront Secondary Plan (CWSP) in April 2003 and subsequently enacted zoning by-laws for East Bayfront (By-law No. 1049-2006) and Keating Channel West (By-law No. 1174-2010). Owners of seven of the private development sites in the two precincts have appealed these documents to the Ontario Municipal Board (OMB). City Council at its meeting on December 11, 2014 adopted Attachment 2, the confidential instructions to the report (December 3, 2014) from the City Solicitor. This report requests further direction for the resolution of appeals to be dealt with by the OMB, currently anticipated to occur in mid-2016. The resolution of these appeals is an important step in the revitalization of the City's waterfront and the achievement of City building goals, including affordable housing.



This report addresses proposed changed terms for settlement from that approved by Council at its meeting on December 11, 2014, and seeks City Council authority to agree to a settlement at the OMB based on the recommendations set out in the Confidential Attachment. This negotiation process has been lengthy, but has resulted in a proposed resolution with land owners within the East Bayfront and Keating Channel West Precincts. This report outlines the outstanding issues and requests direction from Council to conclude these discussions regarding the OMB appeals as noted in the Confidential Attachment. These discussions commenced in September 2013 and were reported on in an “Information Report” to the November 19, 2013, meeting of Community Council:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.41>

Subsequently City Council adopted a series of reports dealing with various aspects of the proposed settlements, as noted below:

March 20, 2014

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

May 6, 7 and 8, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.46>

July 8, 9, 10 and 11, 2014

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

August 25,26, 27 and 28, 2014

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

December 11, 2014

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC2.5>

## **RECOMMENDATIONS**

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### **The City Solicitor recommends that:**

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

### **Financial Impact**

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

## **DECISION HISTORY**

Since the adoption of the Central Waterfront Secondary Plan in April 2003 and the implementing Zoning By-laws for the East Bayfront and Keating Channel West Precincts in 2006 and 2010 respectively, approximately 20 owners filed appeals to the Ontario Municipal Board. Within the two precincts, there are six private land owner/developer appellants, the City and Waterfront Toronto as landowners, and community members

who are parties or appellants to the hearing. Of the six private owners, the City has already reach a settlement with two appellants. The remaining appellants have raised a variety of concerns respecting their development options, as well as the overall requirement to provide Affordable Rental Housing. These issues have been addressed in recent rounds of OMB mediation sessions dealing with a variety of planning issues and implementation measures. City and Waterfront Toronto staff have continued a series of meetings with the appellants to resolve the last of the issues, and staff require further direction as noted in the Confidential Attachment.

## **ISSUE BACKGROUND**

City and Waterfront Toronto staff representatives continue working to finalize a resolution of the other appeals lodged after the adoption of the CWSP in April 2003. With respect to the implementing zoning by-laws for the East Bayfront and Keating Channel West Precincts in 2006 and 2010 respectively, most of the work is now completed.

### **Site and Surrounding Area**

The East Bayfront and Keating Channel West 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 primarily addresses issues related to the FedEx, 3C and Waterfront Toronto sites (Sites B, D and G on the attached Map 1), and also addresses issues related to shown as Sites C and F.

### **Official Plan**

The Central Waterfront Secondary Plan recognizes the value of infrastructure improvements 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 zoning by-laws for East Bayfront (By-law No. 1049-2006) and Keating Channel West (By-law No. 1174-2010) currently permit increased opportunities for mixed-use buildings complemented by generous 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 defined building envelopes appropriate to implement the form of development envisioned by the Precinct Plan. No absolute gross floor area limits were defined, but these can be determined based on a detailed analysis of the built form, the definition of setbacks, tower locations and height limits. Experience has now shown the benefit of defining the gross floor areas permitted within the Precinct. In the Keating Channel West precinct, gross floor area limits were defined.

## **COMMENTS**

This report seeks Council's further direction with respect to appeals on all of the remaining lands within the East Bayfront and Keating Channel West precincts. Confidential Attachment 2 sets out in more detail the matters related to these proposed settlements, the resolution of which is critical to moving the development of this part of the Central Waterfront closer to achieving the City's goals and objectives set out in the Central Waterfront Secondary Plan.

## **CONTACT**

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## **SIGNATURE**

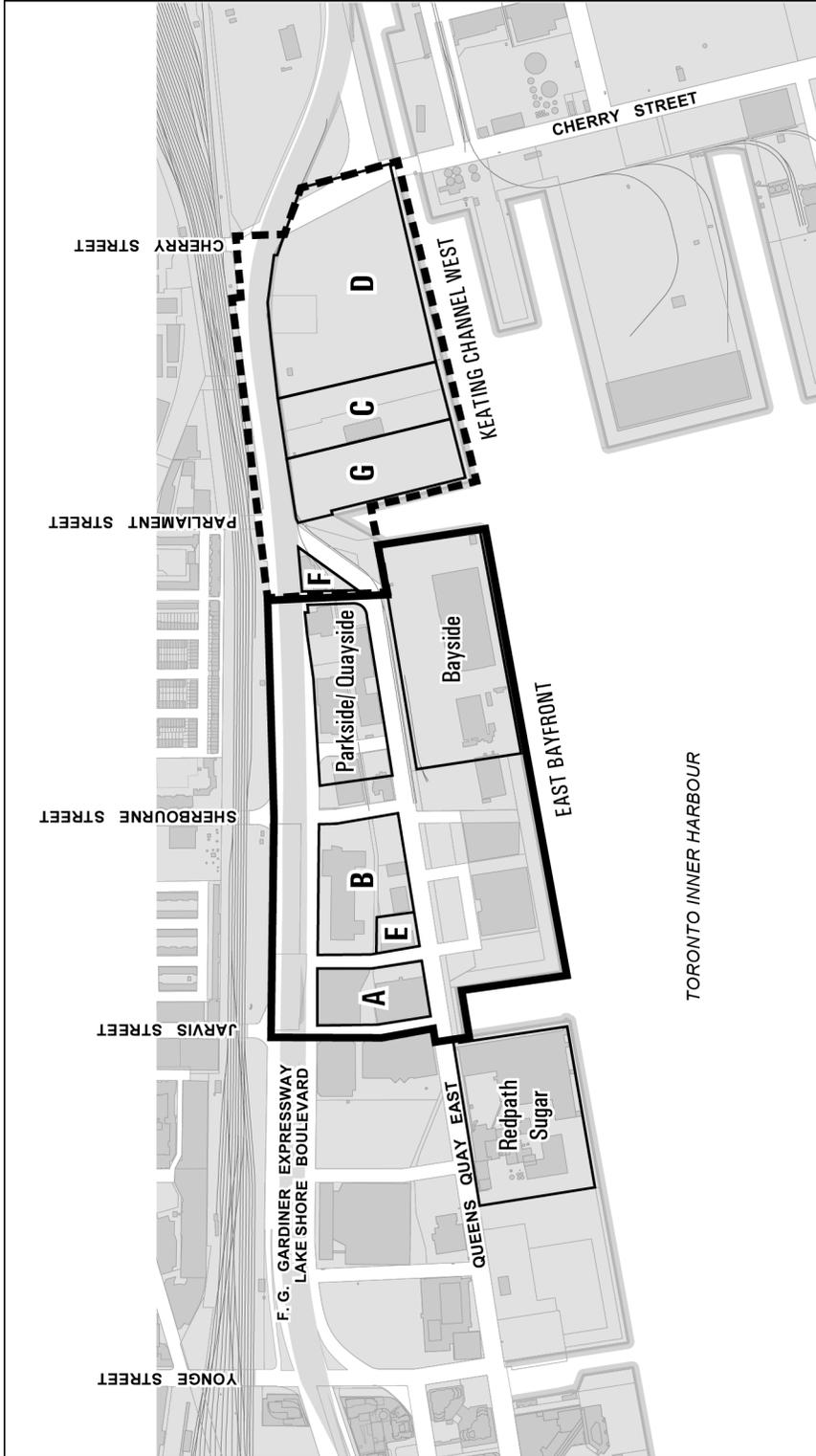
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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

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

# Map 1 - Central Waterfront OMB Appealed Sites



## East Bayfront and Keating Channel West Precincts

### Map 1 - Central Waterfront OMB Appeals

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- 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 (307 Lake Shore Boulevard East)
- G** Bunge (333 Lake Shore Boulevard East)



Not to Scale  
09/11/2015