



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 162 Queens Quay East - East Bayfront - Zoning By-law Amendment - Request for Direction

**Date:** November 19, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 10 – Spadina-Fort York

#### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.

#### SUMMARY

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The City of Toronto passed the Central Waterfront Secondary Plan (CWSP) in April 2003, and subsequently a zoning by-law for East Bayfront (By-law No. 1049-2006). Owners of a number of the private development sites in the precinct filed appeals to the Central Waterfront Secondary Plan and the zoning by-law. 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. A copy of the Request for Directions Report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-69146.pdf>

This report seeks further direction and provides advice regarding the lands located at 162 Queens Quay East, as approved by Council on May 6, 2014 (MM51.46), and as set out in subsequent Minutes of Settlement dated May 12, 2014. Since the 2014 Minutes of Settlement were executed by the parties, issues relating to the appeals by the owners of the adjacent FedEx lands (215 Lake Shore Boulevard East and 178-180 Queens Quay) have been resolved, and Local Planning Appeal Tribunal ("LPAT") Orders for the FedEx lands were issued on October 23, 2018.

A site plan approval application (2019 128893 STE 10 SA) is currently under review for the development at 162 Queens Quay East. Through the detailed review of the development proposal, staff have identified improvements to its built form that would better align and be consistent with the adjacent FedEx lands development with respect to the street wall height and the taking of lands for a new east-west public road through the development block.

This report seeks further direction on proposed revisions to the terms of the Minutes of Settlement related to 162 Queens Quay East, as outlined in Confidential Attachment 1 to this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 of this report.
2. If adopted by Council, City Council authorize the public release of the Recommendations in Confidential Attachment 1 when settlement is finalized to the satisfaction of the City Solicitor.
3. City Council direct that the remainder of the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact.

## **DECISION HISTORY**

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Since adoption of the Central Waterfront Secondary Plan in April 2003 and the implementing Zoning By-law in the 2006 for East Bayfront, numerous appeals were filed with the Ontario Municipal Board ("OMB"), now the Local Planning Appeal Tribunal ("LPAT"). The previous owners of 162 Queens Quay East appealed both the CWSP and East Bayfront Zoning By-law 1049-2006 to the OMB. At its meeting on May 6, 2014, City Council adopted the report (May 5, 2014) from the City Solicitor (Central Waterfront Secondary Plan – East Bayfront - Further Request for Directions Report) approving terms of settlement including density, built form, affordable rental housing. The directions report is available on the City's website at:

<https://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-69146.pdf>

On May 12, 2014, the Ontario Municipal Board approved the necessary zoning by-law and Secondary Plan amendments on a settlement basis, with the final order not being issued pending satisfaction of various conditions. The Minutes of Settlement included a number of other terms and conditions related to the provision of affordable housing, public art contribution, and vibration study, a draft zoning by-law, and transfer of lands for road widening purposes.

## **COMMENTS**

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A site plan approval application has been submitted by the new owners for the lands at 162 Queen Quay East under file No.19 128983 STE 10 SA. Through the development review process, minor revisions related to the site have been identified in order to ensure consistency with the adjacent FedEx Lands developments.

The majority of the appeals in East Bayfront have been resolved with Minutes of Settlements and orders issued. However, a final LPAT Order will not be issued for the 162 Queens Quay East site until the conditions in the Minutes of Settlement have been dealt with, including the execution of a Master Section 37 Agreement and a final Zoning By-Law, among other matters.

The Minutes of Settlement for 162 Queens Quay East include a number of terms and conditions related to the provision of affordable housing, public art, built form, and transfer of lands for road widening. Through development review of the site plan application, staff have identified additional requirements that would better serve the entire block, consisting of the subject site as well as the FedEx lands.

### **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 site at 162 Queens Quay East.

### **Provincial Policy Statement and Provincial Plans**

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act to conform, or not conflict, with the Growth Plan.

## **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) by-law currently permits 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 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 minor revisions to the settlement terms regarding the site at 162 Queens Quay East.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Information