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October 1, 2019

To:

Marilyn Toft  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Via Email

**Attn: Mayor John Tory and Council Members, City of Toronto City Council**

**Re: ITEM TE8.13 - Port Lands Zoning Review Study - Final Report, and Supplementary Report**

Dear Mayor Tory and Councillors,

I am the land use planning consultant for the **Toronto Industry Network, Port Lands Group (“TIN – PLG”)**. The TIN-PLG is comprised of members with operations in the Port Lands that receive, store, supply and process concrete, aggregate, road salt for public and private customers (including the City of Toronto), and sugar. TIN operations are heavy industrial operations that require marine shipping access from the dock wall in the Port Lands.

The East Port and South Port are recognized by Messrs. Kittel and Wolfe, in their August 19, 2019 Final Report, as areas that will continue to operate as a Port, with heavy industrial operations forming part of that Port-oriented activity. On page 25 of the Final Report, Messrs. Kittel and Wolfe recognize that the Port-oriented uses specifically require access to “*marine shipping*”. They write that “***A key component of the Zoning Review is to recognize that marine dockwall access is essential to a working port and is reserved for industries that require marine shipping to operate.***” Furthermore, Messrs. Kittel and Wolfe write on page 3 in their Supplementary Report of September 27, 2019 that “***The Open Storage regulation does not require an opaque visual barrier to be along the dock wall within the East Port and South Port.***”

Strengthening the certainty of dock wall access, commercial marine shipping access, and operational clearance (in terms of loading and off-loading materials and cargo from commercial marine shipping) remain key priorities for TIN-PLG members, and is partially addressed in the proposed new alterations to the zoning by-law regulations contained in the Supplementary Staff Report dated September 27, 2019.

In light of the above, I respectfully recommend that City Council move to include the additional wording of "marine shipping" in (F)(iii)(a) the proposed Zoning By-law regulations for the East and South Port in the Supplementary Report of September 27, 2019, to continue the essential and unobstructed access of the Port-oriented land users to commercial marine shipping in the East Port and South Port (E39) lands:

**1. That the E Zone (Employment Industrial Zone) Chapter 900.60 Exception E39, Clause (F)(iii)(a) be altered to read (alterations provided in underlined italics):**

"(a) between a **lot line** that abuts a **street** and the area used for **open storage**, located a maximum of 9.0 metres from the **lot line** that abuts a **street**, except that such barrier is not required in areas used for **vehicle**, marine shipping, and pedestrian access;"

For the recommended alteration to (F)(iii)(a), the rationale to add "marine shipping" is twofold:

- a) That "**vehicle**", as defined in Zoning By-law amendment does not refer to marine (water-borne) vehicles, in that the definition reads: "*means a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction or agriculture.*": It does not refer to water-borne marine vehicles and vessels; it is silent on the mode of transport primarily associated with the *Port-oriented uses*.
- b) Marine dockwall access is recognized as essential: therefore, clear and unobstructed access to marine vessels is required to the Shipping Channel Dock wall for loading and unloading of cargo for all Port-oriented uses. A visual barrier such as a fence, berm, retaining wall or landscaped buffer should not be required in areas requiring this essential marine shipping access, and would be an impediment to marine shipping operations associated with Port-oriented uses.

The full text of the proposed Zoning By-law Amendment Regulations is appended on Page 3 to this submission, both the originally-proposed regulations, and the recommended alterations of the Regulations above, for your review.

For the reasons in a) and b), above, in my opinion, the addition of "marine shipping" in the proposed Regulation in Article 900.20.10 Exception Number 39 (F) (ii) (a) is logical, as it is not defined nor encapsulated by the zoning by-law's definition of "**vehicle**", and the required marine shipping access is recognized as *essential* by Messrs. Kittel and Wolfe on Page 25 of their Study and Final Staff Report, and adds certainty reinforces the statements of Messrs. Kittel and Wolfe in their Supplementary Report.

Should you have any questions of the foregoing, please do not hesitate to contact the undersigned.

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## Appendix: Zoning By-law Recommended Alteration:

1. Excerpts, As Originally Proposed in the Final Staff Report, August 19, 2019 (Pages 56 – 61 of the Staff Report):

### (E39) Exception E 39

(F) In addition to the conditions in Regulation 60.20.20.100 (10), storage must be:

(i). Enclosed within a **building**; or

(ii). On a lot with **Open Storage**, an opaque visual barrier such as a fence, berm, retaining wall, or landscaped buffer must be provided:

(a) between a **lot line** that abuts a **street** and the area used for **open storage**, located a maximum of 9.0 metres from the **lot line** that abut as **street**, except that such barrier is not required in areas used for vehicle and pedestrian access; or

(b) along the entire perimeter of the portion of the **lot** that is used for **Open Storage**; or

(c) along all **lot lines** that abut a **lot** that is in the Open Space category;

2. Staff Alterations to the proposed Exception E 39 Clause (F), as contained in the Supplementary Staff Report of September 27, 2019 (Pages 22 – 36):

### (E39) Exception E 39

(F) In addition to the conditions in Regulation 60.20.20.100 (10), storage must be:

(i). Enclosed within a **building**; or

(ii). On a lot with **Open Storage**, that does not have a **lot line** that abuts a **street**, an opaque visual barrier such as a fence, berm, retaining wall, or landscaped buffer must be provided along all **lot lines** that abut a **lot** in the **Open Space** category;

(iii) On a lot with **Open Storage** with a **lot line** that abuts a **street**, an opaque visual barrier such as a fence, berm, retaining wall, or landscaped buffer must be provided:

(a) between a **lot line** that abuts a **street** and the area used for **open storage**, located a maximum of 9.0 metres from the **lot line** that abut as **street**, except that such barrier is not required in areas used for vehicle and pedestrian access; or

(b) along the entire perimeter of the portion of the **lot** that is used for **Open Storage**; or

(c) along all **lot lines** that abut a **lot** that is in the Open Space category;

3. TIN – PLG's Recommended **additional wording** to the Staff Alterations to the proposed Exception E 39 Clause (F), as contained in the Supplementary Staff Report of September 27, 2019 (Pages 22 – 36):

### (E39) Exception E 39

(F) In addition to the conditions in Regulation 60.20.20.100 (10), storage must be:

(i). Enclosed within a **building**; or

(ii). On a lot with **Open Storage**, that does not have a **lot line** that abuts a **street**, an opaque visual barrier such as a fence, berm, retaining wall, or landscaped buffer must be provided along all **lot lines** that abut a **lot** in the **Open Space** category;

(iii) On a lot with **Open Storage** with a **lot line** that abuts a **street**, an opaque visual barrier such as a fence, berm, retaining wall, or landscaped buffer must be provided:

(a) between a **lot line** that abuts a **street** and the area used for **open storage**, located a maximum of 9.0 metres from the **lot line** that abut as **street**, except that such barrier is not required in areas used for **vehicle**, **marine shipping**, and pedestrian access; or

(b) along the entire perimeter of the portion of the **lot** that is used for **Open Storage**; or

(c) along all **lot lines** that abut a **lot** that is in the Open Space category;