



Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

Telephone: 392-7033-4

Date: May 2, 1989

NOTICE OF HEARING

LAND USE COMMITTEE

The Land Use Committee which meets in Committee Room No. 4, Second Floor, City Hall, will consider the under-mentioned subject on:

DATE: WEDNESDAY, MAY 10, 1989

TIME: 11:00 A.M. , or as soon thereafter as possible

ITEM: "B"

SUBJECT: Rezoning of Phase 1 of the Toronto Harbour Commissioners Proposed Outer Harbour Marina to permit 400 mooring slips and accessory uses, under Application 2170.

If you wish to address the Committee with respect to this matter, please notify the Land Use Committee by telephoning 392-7033 by 12:00 noon on the day before the meeting.

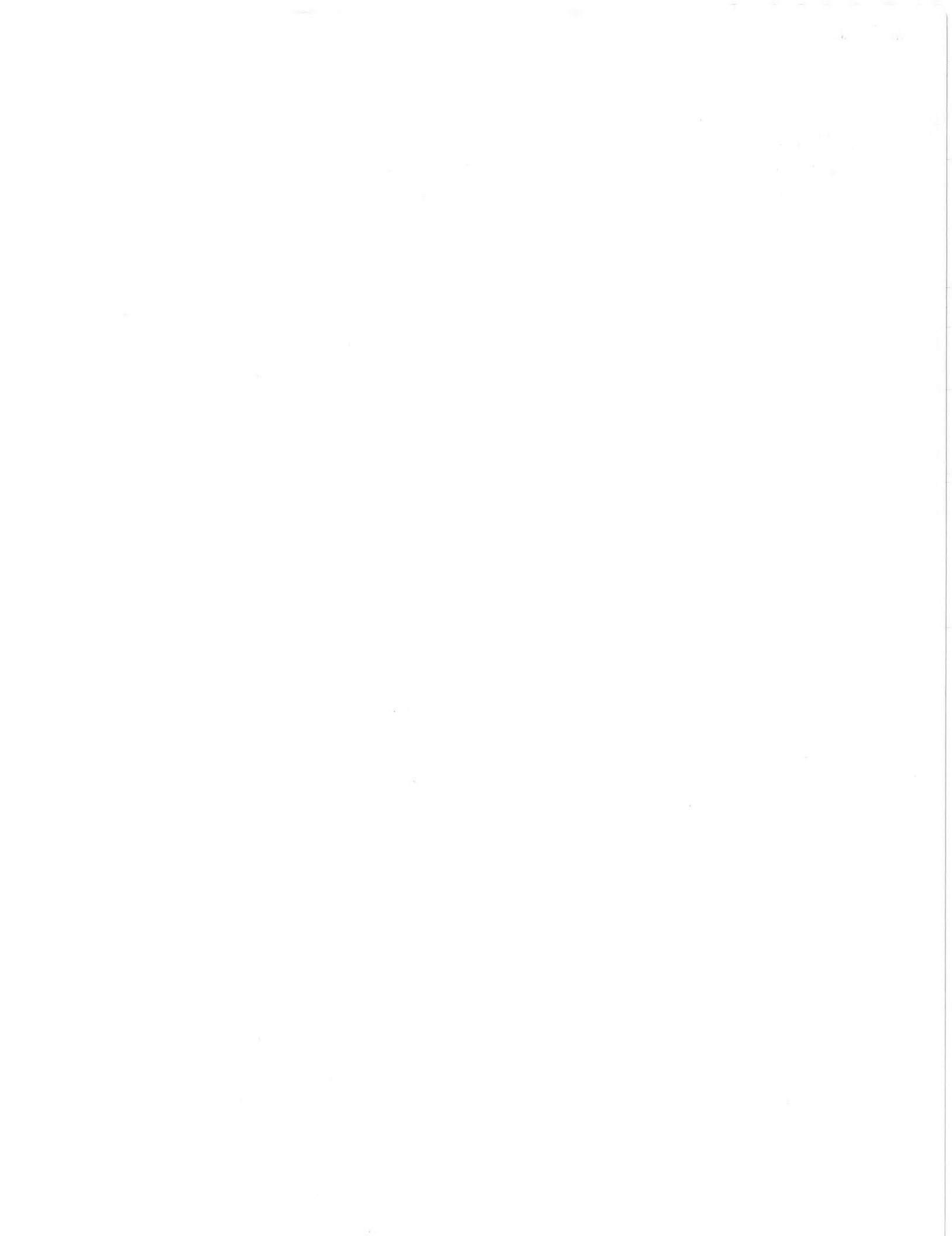
For your information, the Committee's Rule of Procedure for hearing deputations is as follows:

"To more effectively deal with the numerous items of business coming before the Committee, each delegate will limit his/her remarks to a maximum of 5 minutes except with the concurrence of the Committee."

Administrator
Land Use Committee.

NOTE:

Please note that if you are interested in being present for this item, you should attend at the time indicated. However, the Committee may be delayed in its consideration of other items preceding this item, and the delay could extend to an hour or more.



CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

B(1)

MAY 1 1 20 PM '89
CITY CLERK'S OFFICE
SECRETARIAT SECTION

520/12170
CC&W
May 1, 1989
Peter Langdon
392-7611

To: Land Use Committee

Subject: Rezoning of Phase 1 of the Toronto Harbour Commissioners Proposed Outer Harbour Marina to permit 400 mooring slips and accessory uses, under Application 2170.

Origin: Land Use Committee meeting of March 29, 1989
(c711uc89000:114)

Comments:

1. Background

At its March 29, 1989 meeting, your Committee had before it my report dated March 16, 1989, regarding the Outer Harbour Marina and Marina Centre, proposed by the Toronto Harbour Commissioners (THC), as well as several communications on that matter. Ten deputants addressed the Committee. The Committee recommended that the Toronto Harbour Commissioners be requested to delay occupancy of the slips in the Outer Harbour Marina until such time as the rezoning for Phase 1 has been approved. The Committee also directed the City Solicitor and the Commissioner of Planning and Development to commence proceedings to rezone Phase 1 of the Marina arm from the "Gr" to a "Gm" designation to permit 400 slips. The Committee deferred my March 16, 1989 report for further consideration as a deputation item, in conjunction with the draft bylaw for Phase 1, at its May 10, 1989 meeting. Notice of the May 10th public meeting was advertised in the newspaper in accordance with the requirements of the Planning Act.

Clause 33 of Land Use Committee Report No. 10, which contains my March 16, 1989 report, the other communications received, and a list of deputants, was before Council on April 21, 1989. At that time, Council endorsed the Land Use Committee's request to delay occupancy of the marina. The purpose of this report is to further describe the Phase 1 proposal, which is also the subject of a draft bylaw and a further report from the City Solicitor, and to examine it in the context of specific requirements of the Central Waterfront Plan.

I have circulated the plans provided by the THC, and the THC's report entitled "Outer Harbour Marina: Planning Overview" (February 1989), to other City Commissioners, the City Solicitor, the Medical Officer of Health, the Ministry of the Environment,

Land Use Committee

(c711uc89245:114)

May 1, 1989

the Ministry of Natural Resources, Ontario Hydro, the Metro Toronto and Region Conservation Authority, Environment Canada, Metro Commissioner of Works and Metro Commissioner of Planning. The circulation was not carried out in time for any response to be included in this report, but I requested that any responses be sent directly to the Land Use Committee.

This report was prepared in consultation with the City Solicitor.

2. Description of Proposed Phase 1

The most detailed plans submitted to me by the THC regarding overall development plans for the marina arm are reproduced as Maps 5 and 7 of my March 16, 1989 report. A plan showing the Phase 1 portion of the marina arm development is attached to this report as Map 1.

Although the actual orientation of the marina arm along its length is closer to north-south than east-west, for ease of description I shall refer to the marina basin as being on the south side of the arm, the proposed hard points and the Outer Harbour as being on the north side of the arm, and the base of the arm as being at the eastern end.

The following buildings are proposed in Phase 1:

- a) a temporary administration building of about 120 m² gross floor area, comprising three trailers and containing office space for the marina manager and staff, a lunch room, a meeting room and two washrooms;
- b) a temporary washroom facility of about 45 m², also comprising a trailer or trailers;
- c) a temporary access control hut of about 9 m² at the access point to the arm;
- d) a temporary security hut of about 9 m² to the west of the mooring slips at the south end of the lakefilled promontory projecting southward from the main arm;
- e) a permanent building of about 340 m² gross floor area, containing washrooms, laundry facilities, showers and food vending machines for marina members.

Other proposed services and facilities include the mooring slips to accommodate almost 400 boats, a dockwall and pedestrian boardwalk along the edge of the marina basin on the south side of the marina arm, two concrete boat haul-out pads on the dockwall

Land Use Committee

(c711uc89245:114)
May 1, 1989

within the area of the mooring slips, temporary fuel and boat holding tank pumpout facilities at the east end of the mooring basin, two gravelled winter boat storage areas of about 8800 m² in total, landscaped open space of about 15000 m² (including the boardwalk), and two paved parking areas accommodating about 290 parking spaces. The temporary access road is to have an asphalt surface.

Lakefilling and armouring are continuing at the western end and along the north edge of the arm. Consequently, the northern edge and the truck haul route are not included in this Phase 1 rezoning. The dockwall has also been constructed across the entire eastern end of the mooring basin. The boat storage areas are to be surrounded by landscaped berms of about 2 m in height. A temporary fence will be installed around the temporary fuel and pumpout facilities and across the neck of the arm immediately to the west of the access control hut, in order to restrict access. Both pedestrian and vehicular access will occur at the temporary access road by the access control hut, and public access, according to THC staff, will be limited to daylight hours during the boating season.

Storm drainage in Phase 1 will consist of sheet or surface runoff, with possible tile drainage installed in later phases. Temporary sewage holding tanks are being installed for the temporary washroom and pumpout facilities because the THC intends to open Phase 1 on May 1, 1989. If the appropriate zoning is approved, connections will be made to the municipal sanitary sewage and water systems. Temporary sanitary sewer and water mains will connect the marina arm to the municipal systems on Leslie Street in the vicinity of the existing paved service road commonly referred to as Unwin Avenue. Ultimately, permanent servicing is proposed to be installed in conjunction with the Industrial Park abutting the proposed Marina Centre.

3. Compliance with Official Plan

I have set out below the relevant sections of the Official Plan, including the Central Waterfront Plan amendments adopted by City Council on June 17, 1988, with comments to indicate compliance of the Phase 1 rezoning.

3.1 Section 5.7(a) - Use of Public Land

"Except as required for other public purposes, publicly owned land in the areas designated as open space will be used only for park, recreational and ancillary uses."

A marina is a recreational use and thus is permitted under the Open Space designation.

3.2 Section 5A.5 - Public Ownership and Accessibility of Water's Edge Lands

"It is the objective of Council that water's edge lands in the Central Waterfront be in public ownership and freely accessible to the public at all times. Accordingly, it is the policy of Council to:

(a) discourage the sale or lease of water's edge lands now owned by any government, Crown corporation, public board, agency or commission, including the Toronto Harbour Commissioners, to private interests. Where Council is satisfied that water's edge lands are required for shipping purposes, Council will encourage the leasing and not the sale of such water's edge lands;

(b) notwithstanding section 5.2 of this Plan, seek the conveyance or long term lease to the City of water's edge lands for parks purposes, except where Council is satisfied they should be reserved for shipping purposes, and in any event to seek public accessibility to water's edge lands except where existing site layout or use make public access impractical;

(Note: Section 5.2 states that areas designated as Open Space form the elements of the major parks system, containing regional, district and local parks.)

(c) seek to ensure that new boating facilities are designed to permit public access to water's edge lands."

(Water's edge lands are defined in the Central Waterfront Plan as follows: "The term "water's edge lands" means any land exclusive of land under water which lies within seven metres of the shoreline of Lake Ontario, Toronto Bay, the Outer Harbour, or of any channel slip or lagoon having access to any of the foregoing bodies of water, such shoreline to be established at 1 metre above International Great Lakes Datum where there is no well-defined shoreline.")

The water's edge lands in Phase 1 of the marina are those along the dockwall of the mooring basin. A publicly accessible boardwalk is proposed along this dockwall. Given that such lands form an intrinsic part of the marina operation and include the dockwall, boardwalk, the haul out areas and the fuel and pumpout

Land Use Committee

(c711uc89245:114)

May 1, 1989

facilities, it would be appropriate that they remain in the ownership of the THC, which is a public agency for the purposes of the Central Waterfront Plan. As indicated earlier in this report, the northern water's edge lands are still being lakefilled and armoured, and are thus not included in the Phase 1 rezoning.

THC staff has verbally indicated that the public will be permitted access to Phase 1 of the marina during daylight hours in the boating season; however, the form and possible regulation of such public access remains very vague. The City Solicitor has advised that it is possible to provide for public access in a Development Review agreement pursuant to Section 40 of the Planning Act, but given the THC staff position that the marina is a "shipping and navigation use" which is not legally subject to The Planning Act, and given the THC's past positions refusing to enter into such agreements where they consider the use to be shipping and navigation, it is not clear whether the THC would voluntarily enter into such an agreement. To assist City Council in assessing the compliance of the marina use with Central Waterfront Plan policies requiring public access to the water's edge, I am recommending that the THC Board be required to provide, prior to the introduction of the Bill into Council:

- a) its agreement in writing to provide public access to all water's edge lands on the marina arm; and
- b) a detailed description of the degree, form, and regulation of public access to Phase 1 of the Outer Harbour Marina and to any subsequent phases.

3.2 Section 5A.12 - Availability of Recreational Boating Opportunities

"Council will seek to ensure that a wide range of recreational boating opportunities is available in the Central Waterfront and, in particular, that:

- (a) subject to the other provisions of Section 5.A, new boating facilities are encouraged having regard for the distribution of existing and planned facilities in the Toronto region; and
- (b) sailboat moorings are provided on, or adjacent to, the water of Toronto Bay and the Outer Harbour, provided that congestion is kept within safe and acceptable limits."

Phase 1 of the proposed Outer Harbour Marina will contribute about 400 additional mooring slips for both sail-powered and motorized

Land Use Committee

(c711uc89245:114)

May 1, 1989

boats. While potential congestion in the Outer Harbour is of concern to me regarding the 1200 slips proposed in the entire marina, by phasing the marina development, the marine traffic in the Outer Harbour can be monitored and any potentially significant problems should be able to be addressed before they materialize.

3.4 Section 5A.46(a) - Lakefilling in Outer Harbour

"The Outer Harbour is the protected body of water located generally south of the Port Industrial District and west and north of the Outer Harbour Headland, and includes any land that has been or may be created by lakefilling in this body of water. In recognition of the importance of retaining this water body for water-related activities and in order to ensure consistency with the lakefilling and other environmental policies set out in Sections 5.38 and 5.39 of this Plan, it is the policy of Council to pass amendments to the zoning by-law to restrict the use of the waterlots and/or any land created by lakefilling in the Outer Harbour to a bathing station and conservation lands and, before passing by-laws to permit any other uses, Council shall be satisfied that such by-laws conform to the policies of this plan."

As indicated below, it is my opinion that the proposed rezoning does comply with the relevant provisions of the Official Plan.

3.5 Sections 5.38 and 5.39 - General Lakefill and Environmental Policies

"5.38 (a) It is the policy of Council that within the City of Toronto the creation of new land in Lake Ontario or any bay, channel, slip or lagoon connected therewith shall take place only where Council has indicated in the Zoning By-law, prior to the commencement of lakefilling, the use to which the land created by lakefilling may be put. Minor lakefilling for the purpose of stabilizing an existing shoreline is exempt from this provision.

(b) Before approving an amendment to the Zoning By-law to permit the proposed use of any area for lakefill, for any purpose other than conservation lands or a bathing station, and prior to any lakefilling, Council shall be satisfied that:

i) there is a clear public benefit in creating the land;

Land Use Committee

(c711uc89245:114)

May 1, 1989

- (ii) in the circumstances of the proposal, this is the best location for the land for its proposed use;
 - (iii) there will be a minimal negative impact on water quality and circulation, and, in particular, the Hearn Generating Station plume, the dispersal of effluent from the Main Sewage Treatment Plant, or the exchange of water between Toronto Bay, the Outer Harbour, and Lake Ontario will not be impeded;
 - (iv) the lakefilling has been the subject of a formal environmental assessment where required by law or by directive, decision or order by the Government of Canada, the Government of Ontario, or a Minister thereof, and if this is not applicable an appropriate written analysis of the environmental impact shows that the environmental (social, natural and economic) effects are desirable;
 - (v) except where water's edge lands will be used for shipping or industries requiring direct access to the water:
 - (1) advantage has been taken of the new shoreline for public recreation and there will be no decrease in overall recreational opportunities;
 - (2) existing recreational boating opportunities will not be reduced and new recreational boating facilities will be provided where appropriate;
 - (3) the lakefilling will be carried out in a manner which maximizes public access to existing lands that are normally publicly accessible.
 - (c) Council will seek the co-operation and comments of appropriate government bodies and public agencies, including the Toronto Harbour Commissioners, in order to implement this policy.
- 5.39 (a) Council recognizes that portions of the Central Waterfront contain significant environmental resources and amenities in its landforms, water

Land Use Committee

(c711uc89245:114)
May 1, 1989

bodies, climate, air quality, vegetation and wildlife, and will endeavour to preserve and enhance them.

- (b) Council will work with other levels of governments and agencies to secure the undertaking of measures and programs which will reduce contamination and improve water quality, including surface debris, throughout the Central Waterfront, in the lower Don River, and in the adjacent portions of Lake Ontario.
- (c) Council will seek to obtain the reduction of dustfall, particulates, odor, and other emissions so as to improve air quality throughout the Central Waterfront.
- (d) In order to maintain and enhance the vegetation and wildlife features which contribute to the unique character of the Central Waterfront, it is the policy of Council to encourage other governments and agencies to adopt appropriate vegetation and wildlife management practices.
- (e) Council regards certain lands and water of the Toronto Islands District, the Toronto Island Airport Lands and the Outer Harbour Headland as appropriate for the conservation of unusual, rare, significant or sensitive environmental features. Accordingly, such lands are designated as Environmental Resource Areas."

The lakefilling for the marina was begun in October of 1986, prior to the adoption of the above policies through By-law No. 527-88 on June 17, 1988. I am satisfied that there is a public benefit in creating the land by virtue of the additional boating opportunities to be made available through the proposed mooring slips, provided that undue congestion does not result. In addition, provided they are publicly accessible, the creation of the new land mass will increase the amount of publicly accessible water's edge lands. In the circumstances of the proposal, this is, for all practical purposes, the "best" location for the proposed marina.

The THC had a report prepared in April, 1986 by Beak Consultants Ltd. entitled "Toronto Outer Harbour Exchange, Mixing and Water Quality Study". At that time, four alternative marina configurations, including that currently proposed, were under consideration. The following excerpt is quoted from the Summary contained in that document.

Land Use Committee

(c711luc89245:114)
May 1, 1989

"Analysis of the impact of four proposed marina options shows little difference among them in terms of impact on the Outer Harbour environment: all have negligible effects on water quality even in "worst case" high precipitation conditions. Water quality within any of the proposed marina basin configurations will likely be temporarily impaired by the operation of pleasure craft and by storm drainage from the adjacent marina surface. However, pollutant flushing rates are expected to be high (about 72% of the marina basin volume flushed daily) so it is unlikely that significant pollutant accumulation will occur."

While the consultants' report addresses the issue of impact on water quality, it does not address the issue of the impact on the Hearn Generating Station plume from the circulating channel on the north side of the Outer Harbour. The plans and supporting documentation for the proposed rezoning have been forwarded to Ontario Hydro for their comments, but to date I am not aware of any negative impact caused by the proposed marina arm on the plume.

Correspondence from Environment Canada, dated October 21, 1986, advised that the THC "undertook to have its feasibility and planning study for the marina proposal meet the intent and requirements of the Federal Environmental Assessment Review Process (EARP), which is a self-assessment process." Environment Canada further advised that "Environment Canada reviewed this document and were satisfied the environmental concerns were adequately addressed." As such, Section 5.38 (b)(iv), quoted above, has been satisfied.

Based on the above discussion, I am satisfied that the proposed rezoning does not conflict with Sections 5.38 or 5.39 of the Central Waterfront Plan.

4. Zoning Requirements

4.1 Gm Designation

The existing zoning for the marina arm is Gr, which permits only conservation lands and a bathing station. A Gm zone permits the following uses:

- a) business for the repair or maintenance of recreational boats or boat equipment;
- b) marina;

Land Use Committee

(c711uc89245:114)
May 1, 1989

- c) park;
- d) recreational boating uses including, but not limited to, a boating club, a boating school, boat rentals, boat launchings and boat storage;
- e) uses accessory to the above.

I am satisfied that the uses, facilities and structures proposed in Phase 1 of the marina arm are permitted within a Gm zone.

4.2 Parking Requirements

The THC has submitted a report entitled "Port of Toronto Business Park and Marina Traffic Study" (February, 1989), by consultants Read, Voorhees and Associates Ltd. That study recommends 0.6 parking spaces per boat slip to accommodate boat owners and their guests. Overflow parking on peak days will be accommodated in the boat storage areas.

The paved parking lots as proposed in Phase 1 can, according to THC staff, accommodate 298 parking spaces. The temporary washroom will reduce this figure to about 290. Using the ratio of 0.6 parking spaces per mooring slip, the 400 mooring slips in Phase 1 will require a minimum of 240 parking spaces. To avoid excessive areas devoted to parking, and given the ability of the boat storage areas to handle overflow parking, a maximum of 300 parking spaces is recommended.

4.3 Landscaped Open Space

"Landscaped open space" is defined in the City Zoning By-law as follows:

"Landscaped Open Space

means open, unobstructed space on a lot that is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping, including the part of a lot unoccupied by a building or structure by reason of the operation of Section 6(3) Part II 2 to 8 inclusive, and notwithstanding the foregoing includes any:

- (i) surfaced walk, patio, or similar areas;
- (ii) tennis or badminton court or other similar sports or recreational area;

Land Use Committee

(c711luc89245:114)

May 1, 1989

- (iii) outdoor unenclosed swimming pool or decorative pool, but does not include a driveway or ramp, whether surfaced or not, a curb, retaining wall, motor vehicle parking area or an open space beneath or within a building or structure; and
- (iv) uncovered platform attached to a main side or rear wall of a house provided the top surface of the platform is not more than 1.2 metres above the natural level of the ground upon which it is constructed, or more than 1.2 metres above the natural level of the ground that is immediately adjacent to the edge of the platform;"

The amount of landscaped open space proposed within the boundaries of the Gm zone indicated in the draft by-law is approximately 15,000 m². To allow some flexibility but at the same time prevent the construction of structures and facilities far in excess of those contemplated in the attached Phase 1 plan (Map 1), it is recommended that the by-law require a minimum of 14,500 m² of landscaped open space. Such space includes the boardwalk and the berms surrounding the boat storage areas in addition to the more conventional grassed and/or landscaped areas.

4.4 Gross Floor Area

The approximate total gross floor area of all the permanent and temporary buildings in Phase 1 is 520 m². To allow some flexibility, a maximum gross floor area of 570 m² in the draft by-law is recommended. A maximum gross floor area will also help to prevent extensive development beyond that currently proposed in Phase 1.

4.5 Boundary of the Gm Zone

The boundary of the proposed Gm zone should be established in the draft by-law to accommodate all the uses and activities proposed in Phase 1 of the marina. Because lakefilling and armouring are ongoing on the northern edge of the marina arm, the Gm zone should extend only to the north side of the proposed boat storage areas and include the landscaped open space between them.

The Land Use Committee on March 29, 1989 directed that Phase 1 be rezoned to permit 400 mooring slips. There are 396 slips created by the floating docks, as illustrated on the attached Map 1. THC staff have indicated that the additional four mooring slips could be against the dockwall. The boundary of the Gm zone should thus be drawn around the proposed mooring slips, and I recommend that the draft by-law permit no more than 400 mooring slips within this Phase 1 Gm zone, as illustrated on attached Map 1.

Land Use Committee

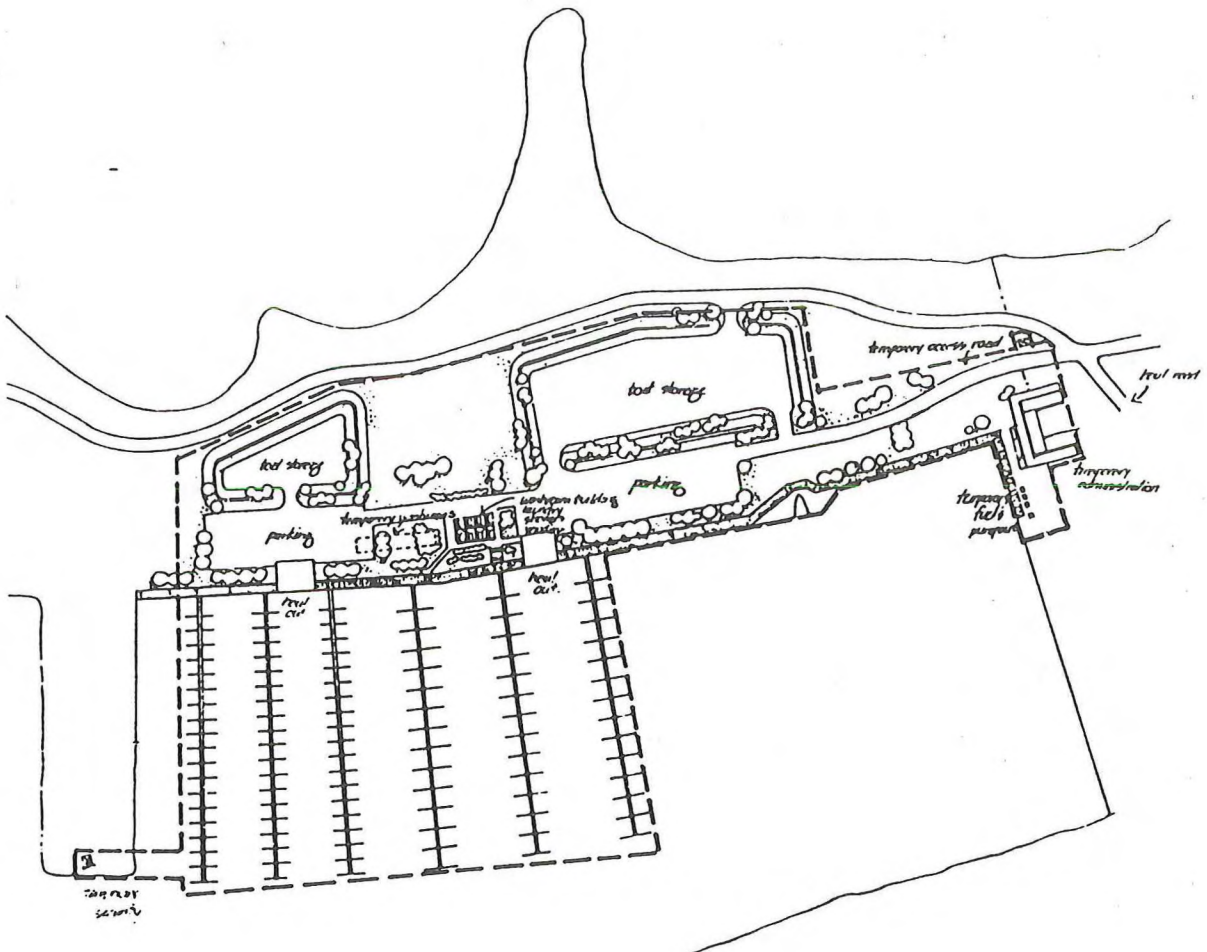
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May 1, 1989

Recommendations:

1. That the THC Board provide, prior to the introduction of the Bill regarding the rezoning of Phase 1 of the Outer Harbour Marina from Gr to Gm into Council, a detailed description of the degree, form, and regulation of public access to Phase 1 and any subsequent phases of the Outer Harbour Marina, and its written agreement to provide public access to all water's edge lands on the marina arm; and
2. That, subject to Council being satisfied with the Toronto Harbour Commissioners' response to recommendation 1, above, the Zoning By-law, By-law 528-88, be amended so as to:
 - a) redesignate the area shown on the attached Map 1, presently designated by By-law 528-88 as Gr, to the designation Gm;
 - b) require the provision of a minimum of 240 parking spaces and a maximum of 300 parking spaces;
 - c) require the provision of a minimum of 14,500 m² of landscaped open space;
 - d) require that a maximum total gross floor area of all buildings within the redesignated area be established at 570 m²;
 - e) require that not more than 400 mooring slips be provided within the redesignated area.


Robert E. Millward
Commissioner



Outer Harbour Marina

----- Area proposed to be rezoned from
Gr to Gm

Phase One Completion 1990 Season
Assignment No. 520/12170

Reduced Map May, 1989
City of Toronto Planning & Development Department
Robert E. Millward, Commissioner
Waterfront and Railway Land Section



