



Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

Reply to: Ms. Christine Dodds - 392-7033/4

Please refer to: 89cncluc 10-33:155

April 25, 1989

Mr. Ian Brown,
General Manager,
Toronto Harbour Commissioners,
60 Harbour Street,
Toronto, Ontario,
M5J 1B7

Dear Sir:

City Council, at its meeting on April 21, 1989, gave consideration to the attached Clause 33 contained in Report No. 10 of the Land Use Committee entitled, "Toronto Harbour Commission - Outer Harbour Marina and Marina Centre".

Council adopted the Clause with the amendment set out at the end of the Clause, and Council's action is being forwarded to you for your attention.

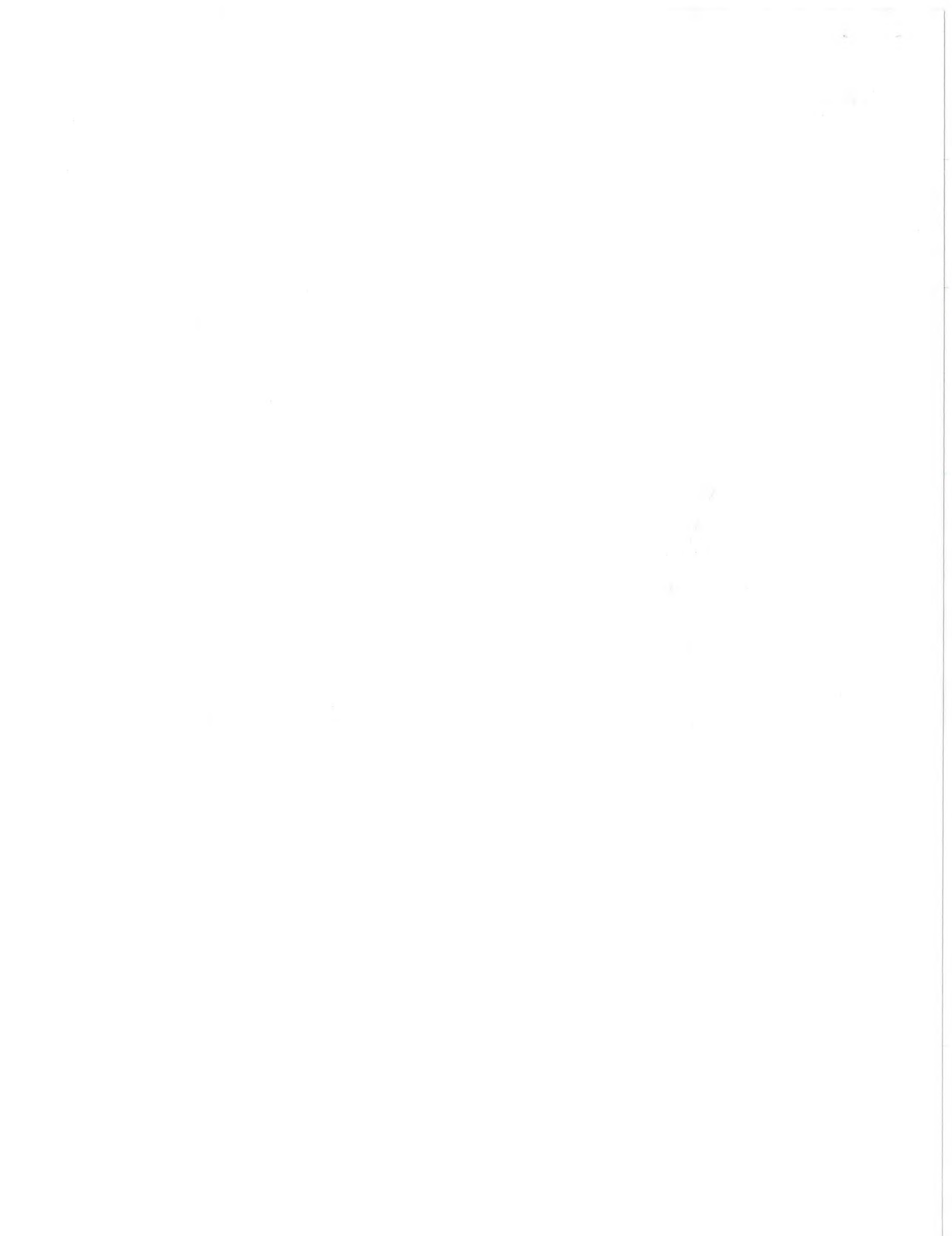
Yours truly,

Roy V. Henderson
City Clerk

cd/sc
CD

Encl.

c.c. Executive Committee
City Solicitor
Commissioner of Planning and Development
All Interested Persons ✓



CITY OF TORONTO
DEPARTMENT OF THE
CITY CLERK

CLAUSE EMBODIED IN REPORT NO. 10 OF THE
LAND USE COMMITTEE WHICH WAS AMENDED AND
ADOPTED BY CITY COUNCIL AT ITS MEETING HELD
ON APRIL 21, 1989

.....

33

**TORONTO HARBOUR COMMISSION -
OUTER HARBOUR MARINA AND MARINA CENTRE**

The Committee recommends that the Toronto Harbour Commission be asked to delay occupancy of the slips in the Outer Harbour Marine arm until such time as the rezoning for Phase I has been approved.

The Committee advises that it has:

1. *directed the City Solicitor and the Commissioner of Planning and Development, to commence proceedings to rezone Phase I from GR to GM to permit 400 slips on the Outer Harbour Marina Arm.*
2. *requested the City Solicitor, in consultation with the Commissioner of Planning and Development, to report on whether any Official Plan Amendment is also required in order to deal with the proposal for the Outer Harbour Marina and Marina Centre.*
3. *requested the Commissioner of Planning and Development to inform the Toronto Harbour Commissioner, in writing within 4 weeks, of what documentation is necessary in order to start a rezoning process for the remaining Outer Marina Harbour Arm.*

The Committee also advises that it has deferred the report (March 16, 1989) from the Commissioner of Planning and Development for consideration as a deputation item at its meeting to be held on May 10, 1989.

The following persons addressed the Committee:

- *Ms. Jean MacDonald, 88 Parklea Drive, Toronto, M4G 2J8*
- *Mr. Brian Bertie, 14 Sandstone Lane, Toronto, M4J 4Z9*
- *Mr. John Carley, Friends of the Spit, P. O. Box 467, Station "J", Toronto, M4J 4Z2*
- *Mr. Tony Blue, Water Rat Sailing Club, 20 Albermarle Avenue, Toronto, M4K 1H7*
- *Mr. John Oliver, Outer Harbour Centreboard Club, 715 Millwood Road, Apartment No. 304, Toronto, M6G 1V7*
- *Mr. John Darling, Toronto Board Sailing Club, 318 Richmond Street West, Toronto, M5V 1X2*
- *Mr. Leo Maarse, Toronto Harbour Commissioners, 60 Harbour Street, Toronto, M5J 1B9*
- *Ms. Wendy Joscelyn, Outer Harbour Sailing Federation, 396 Wellesley Street East, Toronto, M4X 1H6*
- *Mr. Alf Jenkins, Ontario Sailing Association, 1220 Sheppard Avenue East, Toronto, M2K 2X1*

- *Mr. Aldan J. Kelly, Commodore, Westwood Sailing Club, P. O. Box 387, Station "Q", Toronto, M4T 2M5*

The Committee submits the report (March 16, 1989) from the Commissioner of Planning and Development:

Subject: Toronto Harbour Commissioners Outer Harbour Marina and Marina Centre: Issues Report

Origin: Commissioner of Planning and Development (c71luc89166:114)

1. Introduction: Purpose of Report and Summary of Recommendations

The purpose of this report is to bring to the attention of your Committee and Council the issues raised by the proposals put forward by the Toronto Harbour Commissioners (THC) for an Outer Harbour Marina and related marina centre, and, more specifically, to deal with a recent THC request to the Commissioner of Public Works for water and sanitary sewer connections.

The proposed marina complex is located on the west side of Leslie Street at the base of the Leslie Street Spit. This base is sometimes referred to as the "triangle lands". The marina "arm" extends about 1.1 km into the Outer Harbour from the base. The location of the arm is illustrated on the attached Maps 1 and 2.

The proposed complex abuts the south end of THC's proposed Port Industrial Park plan of subdivision, which is shown on attached Map 3. The marina, marina centre and the site of the proposed plan of subdivision, or Port Area "Business Park", as it is referred to by the THC, are outlined on attached Map 4, to illustrate the overall approach to this area proposed by the THC. More detailed illustrations of the proposed marina and marina centre are attached as Maps 5 and 6, respectively.

As the result of lakefilling by the THC, the current shoreline configuration is very close to that shown on Maps 4, 5 and 6. However, the hardpoints and armouring on the western edge of the marina arm opposite the boat slips will not be completed until the end of 1990 in order to enable natural slope stabilization to occur. The dockwall on the marina basin side of the arm and the spines and slips proposed in Phase 1 of the marina construction are almost completed. Phase 1 is illustrated on attached Map 7.

The land area encompassed by the proposed subdivision is approximately 25.7 ha (63.4 acres); the proposed marina centre is approximately 11.3 ha (28 acres); the marina arm (or breakwall) is approximately 16 ha (39.6 acres). The marina arm extends approximately 1.1 km from the shoreline of the "triangle lands" into the Outer Harbour.

This report describes the marina proposal and identifies the following issues which it raises:

- a) Certain aspects of the proposal do not comply with the recently adopted Central Waterfront Plan Amendment.
- b) The Gr zoning approved by Council in June, 1988 does not permit the proposal, although the THC maintains that the marina itself, the boat service facility and the administration building are shipping and navigation uses, and thus not subject to the Planning Act.
- c) THC plans for the marina centre are only "conceptual".
- d) There has not been adequate public participation in the consideration of the proposal to date.
- e) There is a need for a comprehensive review by the City of the overall land use and design of the entire complex and its relationship to surrounding uses, including the proposed Industrial Park and Tommy Thompson Park.
- f) The proposal may generate conflicts and congestion in the Outer Harbour.
- g) Public accessibility to the water's edge is inadequate.

- h) Traffic impact; parking requirements and public versus private streets, their layout and the process of approving them have not been adequately dealt with to date.
- i) Accommodation of community sailing clubs on the marina arm is considered desirable.
- j) There are design alterations to be discussed with the THC.

In considering the request for an interim servicing connection, in light of these issues, I have concluded that the marina complex should be reviewed to assess the need for, and appropriateness of Official Plan and Zoning By-law amendments. In my view, until the appropriate Official Plan designations and Zoning are in place, no servicing connections should be permitted. I have included recommendations to this effect below.

2. Description of the Proposal

The proposed facilities and design principles are described by THC staff in the section of their February 1989 "Outer Harbour Marina: Planning Overview" report entitled "2.0 The Marina Land Use Concept". This section is reproduced as Appendix B to this report. The complete document has been reproduced under separate cover and distributed to Committee members.

In summary, the proposed marina arm or "breakwater" is intended to provide 1200 mooring slips, complete with hydro, telephone, cable T.C. and water service; an area for dry sailing with its own separate launch ramp; two travel lift slips and three haul out areas. There will be three areas or "courts", each providing washrooms, laundry facilities, showers, vending machines, sail lockers, parking and boat storage. Fuel and pumpout services would be provided, and additional services are possible including day care facilities, snack bars, swimming pool, and tennis courts.

The marina centre is described in conceptual form only, with extensive illustrations from Granville Island, and is to include four components. A service facility will provide boat repair and maintenance services, fuel and pumpout facilities, and could be the centre for boat charters and tours, sailing instruction, boat rental and inside boat storage. Outdoor storage of boats awaiting service or pickup is envisioned, and the facility will be in operation 12 months a year.

A restaurant and administration facility is proposed to contain offices for staff, reception, booking, first-aid, maintenance and security; a restaurant and possibly a lounge, coffee shop, and/or snack bar, and marina-related commercial uses, such as a ship chandler/marine hardware store and a rigging shop.

A marina-related commercial area might contain a health and fitness facility and such uses as a dive shop, windsurfing equipment sales, or a marine architect's office. It might include non-marina related uses provided they are compatible with, and complementary to, the development.

A marina-related commercial industrial area could encompass a wide range of commercial and light industrial activities, most of which would be marina-related, such as boat sales, brokerages, sail manufacturers, marine supply, recreational equipment sales and distribution, and boat assembly.

3. Background

A THC "Outer Harbour Marina Proposal" was first made public in May, 1984. Earlier, however, in 1978, the City of Toronto Planning Board had commissioned a study by the consulting firm Gregg and Edens Ltd. on the Central Waterfront marina project. This study recommended that a public marina be constructed in the eastern end of the Outer Harbour to provide a total of 1,350 mooring berths, plus drysail facilities for 150 to 250 small craft. Although the design concept was very different, the number of berths is very close to that currently proposed by the THC.

In 1985, the THC hired a consultant consortium headed by Marshall Macklin Monaghan Ltd. to examine the feasibility of constructing the marina. As part of this process, the THC held a public meeting in November, 1985, and invited a "number of special interest groups" by individual mailed invitations. The consultants' report was completed in March 1986, and was entitled "Feasibility and Planning Study for the Outer Harbour Public Marina: Phase 1 Report". The report considered four design concepts and recommended the currently proposed concept, which differs from the May 1984 proposal, as the preferred alternative. Also in March 1986, the THC staff and consultants met with

my staff to discuss my concerns with the proposal and a procedure for reviewing it. They were advised by my staff that, at a minimum, a rezoning was required, and that the only way to receive official comments was to submit an application.

The THC commenced Phase II of the study to prepare a detailed development concept. It is important to note that even at the completion of this stage in 1986, the plans produced were still "conceptual" only.

The THC submitted the appropriate studies to the Federal government for the Environmental Assessment Review Procedure.

In late Fall of 1988, THC staff submitted to my department the attached Map 5 showing the overall plan for the marina arm, referred to as the Marina Breakwater, and a report entitled "Outer Harbour Marina Centre: Development Concept", prepared by THC staff with consultants Hotson Bakker, Architects, and Fleisher Ridout Partnership, Landscape Architects, which forms Appendix B to the February 1989 "Outer Harbour Marina Planning Overview" document forwarded to Committee members under separate cover.

In early 1989, the THC was advised by the Commissioner of Public Works that approval for connections to the City sanitary sewer and watermain systems would not be granted until the zoning requirements, through my Department, had been met. (See Appendix A for a copy of the letter from the Commissioner of Public Works.)

The THC had advertised through the newspapers as early as June, 1988, and through brochures distributed at a boat show, that the marina would be opening in the spring of 1989, despite the fact that appropriate zoning was not in place and no detailed plans had been submitted to the City. It appears that only since encountering the difficulties with obtaining service connections has the THC staff been willing to respond to my repeated requests for detailed plans and information.

In February 1989, THC staff submitted the "Outer Harbour Marina Planning Overview" report. This report has been reproduced under separate cover for the information of Committee members.

The THC had begun lakefilling for the Outer Harbour Marina in October, 1986. Since then, the Marina has been the main focus of THC's lakefilling operations in terms of truckloads of earth fill arriving at the foot of Leslie Street. For example, in 1988, of the estimated total of 215,000 truckloads of earth fill arriving at the foot of Leslie Street, 85% were directed to the Outer Harbour Marina. This figure could have been as high as 98% had 30,000 truckloads not been placed on the proposed Port Industrial Park plan of subdivision site at the request of the Toronto Economic Development Corporation. Lakefilling involving earth on the marina arm is now almost complete in terms of their proposed design, with armouring and hardpoint construction expected to continue until late 1990.

The THC is also pursuing Development Review approval and a building permit for the permanent washroom facility in Phase 1 of the proposed marina arm. (See attached Map 7.) Approval of these applications is, of course, dependent on the resolution of zoning and servicing for the site.

Given the lack of appropriate zoning and the fact that there has been little public involvement and no City review of the development plans, I indicated to the THC that I would prepare this report to Land Use Committee outlining the issues surrounding the proposal, to allow Council to consider the service connection request. I have recently requested that the THC Board endorse the submitted proposal because it was unclear to what extent the THC staff submissions were supported by their Board. At the February 28, 1989 Board meeting, consideration by the Board of such an endorsement was deferred.

4. Planning Considerations

The site of the marina proposal is covered by the Central Waterfront Official Plan and Zoning By-law Amendments adopted by City Council on June 10, 1988, as By-laws No. 527-88 and No. 528-88. The THC has objected to the Central Waterfront Zoning Amendments, in part because of the Gr zoning designation applied to their lands, including the proposed lakefilled marina arm. They have also objected to the Official Plan and Zoning By-law amendments for other reasons. No Ontario Municipal Board hearing has been held or scheduled respecting the THC's or any other objections.

4.1 Official Plan

The marina arm and most of the mainland portion of the proposed marina centre are designated Open Space by the Central Waterfront Official Plan Amendment (Bylaw 527-88, adopted by City Council in June, 1988.) A marina is permitted in this designation, but more detailed information respecting the commercial and industrial uses proposed in the marina centre is necessary to determine whether an Official Plan Amendment is required. If such uses are not deemed to be park or recreational uses or uses ancillary thereto, as permitted in the Open Space designation, then an amendment to By-law No. 527-88 would be required. Because the marina centre plans are still at the conceptual stage, further discussion with THC staff on this issue will be required and more detailed information should be provided by THC on specific uses, locations and floor areas of proposed facilities.

A small area in the north-east corner of the marina centre is designated Restricted Industrial. Section 5A.36 of the Central Waterfront Plan amendment would permit a limited amount of ancillary commercial uses in connection with industrial use. However, commercial uses are not permitted as primary uses.

4.2 Zoning

Most of the marina arm and the marina centre sites are zoned Gr by Bylaw No. 528-88. The Gr designation permits only conservation lands and bathing stations. A Gm zoning would permit the following uses:

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

Therefore, in order for the marina arm, the service centre, the administration building, and any other accessory uses which appear to be contemplated in the marina centre to comply with the zoning, an amendment to replace the Gr with a Gm zoning would be required. Other commercial or industrial uses not accessory to the permitted uses in the Gm zone would require other appropriate zoning.

The THC has maintained that due to their federal jurisdiction and their view of the recreational marina as a shipping and navigation use, the marina itself, the marina service facility, and the administration building are not subject to the Provincial legislation establishing municipal planning and zoning authority. They have previously indicated that they will not voluntarily make an application for Official Plan or Zoning Bylaw amendments in such cases because they feel that making an application would establish an undesirable precedent which could compromise their federal mandate on future shipping and navigation matters. Through discussions with the City Solicitor, I have been advised that the case law pertaining to the issue of a recreational marina as a shipping and navigation use does not facilitate a conclusive legal determination. However, I have consistently maintained the position that a Gm zoning designation is necessary to permit the marina.

In this regard, I would note that marinas are not a service provided exclusively by the THC, and that private marina developers must comply with the relevant Official Plans and Zoning By-laws. There does not appear to be a compelling argument for permitting the THC to ignore these documents.

It is important to note that the application of the Gr zoning designation to the Outer Harbour was expressly intended to implement the lakefilling policies set out in Sections 4A.46(a) and 5.38 of the Central Waterfront Plan, which read as follows:

- “5A.46 (a) 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 water lots 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.

- 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;
 - (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."

4.3 Conceptual Nature of THC's Proposals

THC staff have recently advised that the plan for the marina arm reproduced as the attached Map 5 is their final plan. This plan was submitted to me in late 1988. Up until then, any plans submitted or shown to me were contained in consultants reports and were labelled as "conceptual". Similarly, the plans currently submitted for the marina centre remain "conceptual". In addition, as far as I can determine, the THC Board has not endorsed any of these plans except as a "concept" in 1984, or as implied in the approval of the "concepts" contained in the 1986 consultants reports. It is very difficult to carry out an adequate review of the design when the THC has never explicitly stated what plans, if any, they are actually pursuing. The THC Board has, however, explicitly approved the purchase of materials and awarded contracts necessary to construct facilities on the marina arm.

The situation has arisen where plans for the marina arm have recently been deemed as final plans and, through applications for a building permit for the Phase 1 washroom and the seeking of service connections, it has become evident that actual construction of structures and services is being pursued. THC staff advised in the summer of 1988 that consultants were being retained to finalize detailed plans for the marina, and despite my subsequent written offers of consultation, no contact was subsequently sought by THC staff or consultants.

As noted previously, the conceptual nature of plans submitted contributes to the difficulties of resolving the Official Plan and Zoning issues. It could be viewed as premature either to circulate conceptual plans to other Departments or hold public meetings since it would be unclear exactly what was being proposed, although the nature of the underlying land use issue would be obvious.

THC staff have advised that the "market" will determine the specific type, design and size of various facilities in the marina centre, through a process of calling for proposals from the private sector. I do not consider it prudent, however, to undertake what could be considered a site-specific rezoning process involving public meetings and circulation to other City Departments, on the basis of "conceptual" uses.

4.4 Public Participation

I consider it important that the THC's plans for the entire marina complex undergo the public scrutiny afforded by the City's rezoning process. I do not consider that the public meeting held by the THC in 1985, or their "open house" held in 1986, have satisfactorily fulfilled the need for public participation in light of the recent submissions.

4.5 Need for a Comprehensive Review

I consider it most appropriate to review the marina proposal in the context of a review of the entire complex, including the design integration with the abutting industrial plan of subdivision proposed to the north, with the parks and open space system including the Martin Goodman Trail, and with the Tommy Thompson Park Master Plan. Consequently, even if the appropriate zoning were in place, I would want to review any related Development Review application within the larger land use and urban design context. In this report I have highlighted some of the planning issues, but resolution of these and other possible issues requires a broader City and public review of the whole complex and its relationship to surrounding uses.

4.6 Conflicts and Congestion in the Outer Harbour

The issue of the impact of increased boating traffic on boating congestion and/or conflicts in the Outer Harbour has not been satisfactorily addressed by the THC, despite my requests for further information in this regard.

The THC's 1986 consultant study identifies the possibility of a negative impact of the marina on the "quality of boating experience for existing users". The study acknowledged that the preferred design concept, now constructed, was not the most desirable in terms of "conservation of small craft sailing waters". The report estimated that 400-600 sail-powered boats were actively involved throughout each week in pleasure sailing, scheduled races, regattas and instructional sailing in the Outer Harbour, and that an unknown number of additional users with sailboats and sailboards enter and use the Outer Harbour, especially on weekends. The consultants concluded that the additional traffic

created by the marina "could negatively influence the quality of the sailing experience." They recommended that the situation "be monitored on a regular basis and mitigative action taken if warranted."

The consultant did not specifically address the issue of the impact of increased transient boating traffic attracted by the marina facilities, or the proposed charter and tour boats, or the traffic generated by the proposed public launching ramps at the eastern end of the Outer Harbour.

Through comments to the consultants and to myself, representatives of the community sailing clubs currently located on the North Shore of the Outer Harbour have expressed concern with safety of small sail craft given their proposed relocation to Tommy Thompson Park near the mouth of the marina basin. They expressed particular concern about novice sailors being in the area where marina-generated boating traffic would be most heavily concentrated.

These concerns regarding congestion and conflicts have been previously conveyed in writing to the THC. Their response is contained in the paragraph entitled "6.0 Harbour Congestion" in their "Outer Harbour Marina Planning Overview" document, dated February 1989. They indicate that consultation with area marina operators has revealed that on a peak use day, a maximum of about 30% of the boats actually leave the marina basin. For example, during the peak activity hour at Port Credit Marina only 59 out of a total of 902 boats were out of the marina basin. THC staff thus conclude that conflicts between boaters will not increase.

I am not comfortable with the THC staff conclusion, given the extensive existing use of the Outer Harbour by sail boats, boardsailors and swimmers and its confined configuration. The marina arm has itself contributed further to this confined boating environment. The motorized and sail-powered boat traffic generated on the north side of the marina arm by the transient slips, the tour and charter boats, the fueling and pump-out facilities, the service yard, and the public boat launch ramps appear to have the potential to conflict with other existing and potential water users such as swimmers and boardsailors. Later in this report I suggest possible design changes which, among other objectives, may reduce these potential problems.

A possibility also exists for the City and THC to monitor the congestion/conflict problems as new slips and facilities are added, perhaps in a deliberately phased process to facilitate such monitoring. The release of subsequent phases could be contingent upon the relative success of the previous phases.

4.7 Public Accessibility to the Water's Edge

The THC report indicates that pedestrian access to the marina arm will be "considered" during summer daylight hours, but in the event of safety and security problems, they reserve the right to control access at the entry point to the arm.

I do not consider this to be a sufficient commitment to public accessibility to the marina arm. Control gates at the end of each "spine", operated by key, card, or combination lock, could control access to the spines, while allowing public access on the arm itself.

The marina service facility privatizes the water's edge at a point which could form an important link in a continuous public edge extending along the North Shore, around the end of the Outer Harbour and onto the marina arm. A possible relocation of the service facilities to the base of the arm or to the end of the marina basin, with either location involving boat access from inside the marina basin, could permit such a continuous public edge. Such a design change might also help reduce conflicts between boaters and other water users in the Outer Harbour north of the marina arm, while respecting the policies and objectives of the Central Waterfront Official Plan.

Sections 5A.5 and 5A.6 of the Central Waterfront Plan deal specifically with water's edge lands, which are defined as lands within seven metres of the shoreline of Lake Ontario, including the Outer Harbour. These sections read as follows:

- "5A.5 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;
- (c) seek to ensure that new boating facilities are designed to permit public access to water's edge lands; and
- (d) permit public access to water's edge lands in Environmental Resource Areas, except where this cannot be done within the context of an appropriate management plan for the area.

5A.6 In order to provide variety and promote increased public enjoyment and use of water's edge lands within the Central Waterfront, it is the policy of Council that, where feasible:

- (a) the width of the water's edge lands be expanded by the provision of parks, parkettes, and wider public rights-of-way;
- (b) the ground floor of buildings adjacent to water's edge land should generally be pedestrian-oriented and used for purposes to which the public has access; and
- (c) opportunities be provided to observe shipping and industrial operations."

4.8 Traffic Impact and Parking Study

The THC has recently (March 8, 1989) submitted a consultant study entitled "Port of Toronto Business Park and Marina Traffic Study". I have not had adequate time to review this study to ascertain any implications for the marina complex. The report addresses future traffic volumes, necessary road improvements, and parking requirements.

4.9 Public Versus Private Streets and Related Approval Process

THC staff have advised that the access road on the marina arm, and possibly some of the streets in the marina centre, are proposed as private roads. This issue will have to be reviewed in greater detail, particularly by the Commissioner of Public Works. Whether public or private, the road layout in the marina centre is presently "conceptual" and should be finalized to the City's satisfaction.

In particular, the road alignments will have to be integrated with those of the Port Industrial Park plan of subdivision and with the proposed parking and vehicular access control proposed by Metro Toronto and Region Conservation Authority in their Tommy Thompson Park Master Plan.

THC staff have advised that a paved interim access road, separate from the haul route used by dump trucks, will be constructed from Unwin Avenue by the Circulating Channel to the marina arm, following exactly the alignment proposed for Outer Harbour Drive in the Port Industrial Park plan of subdivision. Because the existence and alignment of Outer Harbour Drive are issues in both the proposed plan of subdivision and the marina centre, there is no guarantee that this access road will become permanent. It may later have to be removed.

I am of the opinion that while the marina arm, if approved as proposed or modified, should be accessible to the pedestrian public at all times, the restriction of vehicular traffic to marina members

and guests should be considered. Undesirable traffic and/or parking congestion may thus be avoided, maintaining the integrity and quality of this water's edge open space.

4.10 Accommodation of Community Sailing Clubs on Marina Arm

The THC proposal envisions two areas for drysailing on the marina arm. If some or all of the community sailing clubs presently located on the North Shore could eventually be accommodated on the marina arm, several concerns could be addressed. For example, only four of the North Shore clubs are proposed to be accommodated on Tommy Thompson Park, near the mouth of the marina basin.

If a community sailing area were established on the marina arm, all of the North Shore clubs, rather than only four, might be relocated. This would reduce or, if all the clubs were relocated, eliminate the privatization of the portion of the North Shore now controlled by the community clubs. Reducing the number of clubs on Tommy Thompson Park near the mouth of the marina basin might also reduce the potential for boating congestion at the mouth.

4.11 Elimination of all boat service facilities, docks, mooring facilities, and public launch ramps outside the marina basin.

Charter and tour boat slips, transient mooring slips, boat service slips, and refuelling/pump-out facilities could all be accommodated within the marina basin, and the service facility could be located at the base of the marina arm or at the end of the marina basin as previously discussed. These changes would reduce the absolute number of boats accommodated at the marina, while directing marina-related boat traffic into the marina basin, rather than to the north side of the marina arm. The design changes would also facilitate a continuous public water's edge. Swimming and boardsailing could then be better accommodated in the Outer Harbour between the Circulating Channel and the marina arm.

The proposed public boat launch ramps could also be eliminated. The need for public boat launch ramps has not been demonstrated and such ramps already exist at Ashbridges Bay Park. The need for vehicular and trailer parking at the boat launch ramps would also be eliminated, making the water's edge more continuous, open and public.

5. Interim Service Connection Request

Reproduced as Appendix A is a February 16, 1989 letter from the Commissioner of Public Works to the THC's consultants, dealing with the request for water and sanitary sewer connections. The Commissioner of Public Works states that approval for connections will not be granted until the zoning requirements for the proposed marina are satisfied. I agree with this position. However, since this position might delay the spring 1989 opening of the marina proposed by THC staff, I am placing this matter before your Committee.

The service connections are termed "interim" because it is foreseen that, ultimately, services will be extended to the marina complex through the Port Industrial Park plan subdivision to the north. Because that subdivision is not yet approved, the THC has constructed temporary services to connect the marina arm to existing services on Leslie Street, until permanent services are in place. Temporary washrooms and a temporary administration building are also proposed be placed in Phase 1, as shown on attached as Map 7, and connected to both the water and sewer services. A permanent washroom is proposed for Phase 1, to be constructed by the fall of 1989 if possible. Given the zoning issue described above, obtaining a building permit for the permanent washroom by next fall is problematic. The proposed watermain connection will also provide water outlets for boaters at the base of each spine and at the temporary fuel/pumpout facilities, and provide fire protection.

THC staff maintain that the proposed interim services have the capacity to service only the marina arm and not the facilities proposed in the marina centre.

As indicated above, the THC has advertised and accepted deposits on 400 slips for a spring 1989 opening of Phase 1. The THC might pursue temporary private sanitary sewage disposal facilities if the municipal service connections are not approved in time for a spring opening, but the Medical Officer of Health would need to approve any such facilities. Drinking water would not be available

without service connections. If the interim servicing connections are not approved, Council may be faced with a number of annoyed boaters. THC staff have not indicated what course of action they might take if the interim servicing connections are not permitted. However, to sanction the construction and operation of even Phase 1 of the marina without first rezoning the area from Gr to Gm would be contrary to the lakefilling policies set out in the Central Waterfront Plan and the related zoning strategy.

6. Conclusions

I am of the opinion that to grant permission for either permanent or interim servicing connections before the necessary changes to the Official Plan and Zoning By-law are in place, should Council decide that such changes are appropriate, would conflict with the recently adopted Central Waterfront Official Plan policies respecting lakefilling and the Outer Harbour. Such changes first require the appropriate public participation and a review by other City Departments. I am also of the opinion that the City cannot adequately consider the zoning and the design issues related to the marina arm in isolation from consideration of the Official Plan, Zoning By-law and design issues related to the overall marina complex. Before the necessary amendments can be fully considered, more detailed information on specific uses, locations and densities of proposed facilities is required.

As discussed in this report, a Gr zoning was applied to the Outer Harbour in order to afford Council and the public the appropriate review of waterfront development proposals involving lakefilling.

I therefore am recommending that the interim servicing connections requested by THC for the marina arm be refused until such time as the Official Plan and Zoning By-law amendments necessary to permit the marina development intended to be served by these connections have been reviewed in the context of the entire marina proposal and, if considered appropriate, have been approved.

Given the THC's position that the marina is a shipping and navigation use and not subject to the Planning Act or any other Provincial legislation, Council's control over the servicing connection is the only clear leverage available to the City to strongly encourage the THC to follow appropriate planning approval procedures for the marina.

Recommendations

1. That the Toronto Harbour Commissioners be requested to submit the additional information respecting land use, density and building required to permit an adequate assessment of the entire marina proposal in the context of the Central Waterfront Official Plan and Zoning Bylaw amendments, including an appropriate circulation to other civic officials and the holding of a public meeting, and that such additional submissions have regard for the issues discussed in this report.
2. That until such time as the appropriate Official Plan designations and Zoning are in place, no servicing connections to the proposed marina, either interim or permanent, be permitted.

Appendix A

Communication from Commissioner of Public Works to Johnson Sustronk, Weinstein and Associates, dated February 16, 1989

This is in response to your submission dated January 25, 1989. As noted in my letter dated January 9, 1989, the City will not give approval for any connections to the City sewer and watermain systems until the City zoning requirements for the proposed marina, through the Planning and Development Department, have been met. The following are my comments on your design:

1. The submitted design for the watermain and sanitary forcemain within the proposed Marina Centre is acceptable, except that I require a report from a geotechnical consultant confirming that soil conditions are adequate to support the proposed water and sewer pipes. I note that the geotechnical engineer for the proposed Business Park development recommended that because of the poor soil conditions in the area, sewers and watermains will require structural support, e.g. pile foundation.

2. The submitted design for the polyethylene sanitary forcemain on Leslie Street Extension, including the temporary section on the east shoulder, is also acceptable, provided that the adequacy of ground support is confirmed by a geotechnical consultant.
3. As further development is proposed to the north of the marina site (Business Park) and as the Leslie Street Extension will eventually be taken over by the City, the size and location of the watermain should be revised to City standards and accommodate the other proposed developments. The watermain should be located 4.3 metres east of the east street line. The size is to be 300 mm from the Marina Centre to the proposed Unwin Avenue, and 400 mm from the proposed Unwin Avenue to the connection with the City's watermain. The proposed grading and details as shown in the preliminary design for the Business Park will be acceptable. As with the other pipe works, the adequacy of the ground support must be confirmed by a geotechnical consultant.

When you have completed these revisions, I will give further consideration to your application.

Appendix B

Description of the Marina Complex Proposal Excerpted from "Outer Harbour Marina: Planning Overview" by Toronto Harbour Commissioners, February 1989

2.0 The Marina Land Use Concept

The early planning work completed by the Marshall Macklin Monaghan study group, was furthered with more detailed designs by the consulting firms of Johnson Sustronk and Weinstein Hotson Bakker, Architects and Fleisher Ridout Partnership, Landscape Architects. These firms participated with THC staff to produce urban design solutions that would maximize the land use potential of the site while at the same time having consideration for its physical and functional characteristics and the surrounding development pattern.

The Marina Land Use Concept was developed on the basis of the research and analysis conducted by the consultant groups and is illustrated on figure 4. The Concept is composed of two functional areas; the Marina Breakwater and the Marina Centre. Basic land use guidelines for each of these areas were established to provide guidance in the detailed planning stages and are described in the following sections. The Concept also serves to identify the timing of development through three stages. The Marina Breakwater represents Phase 1 of the project. The Marina Centre will be constructed in Phases 2 and 3.

2.1 The Marina Breakwater

The land use concept for the Marina Breakwater was designed by Johnson Sustronk Weinstein and Associates, acknowledged leaders in coastal engineering and small craft harbour design.

The Breakwater of the Outer Harbour Marina was constructed to provide maximum protection to the Marina Basin and to allow sufficient land area for Marina uses. The Marina Basin will provide moorings for 1200 boats complete with hydro, telephone, cable T.V. and water service. The initial phase will provide 400 wet moorings; 50% for boats under 30 feet and 50% for boats over 30 feet in length. In addition to the wet slips, an area for dry sailing has been reserved at the southern end of the Breakwater. The dry sailing area will have its own separate launch ramp. The Marina Basin will be serviced by 2 travel lift slips and 3 haul out areas.

The Marina Breakwater will accommodate three equally spaced "Courts" along its length. Each Court will provide basic services to Marina users including washrooms, laundry facilities, showers, vending machines, sail lockers, parking and boat storage. These facilities will also be available in the Marina Restaurant and Administration area. Gas and sewage pumpout facilities will be available in the Marina Basin and in the Service Basin. As the Marina becomes established it is anticipated that additional services could be added to the Courts such as day care facilities, snack bars, a swimming pool or tennis courts.

Parking for approximately 970 cars will be provided for Marina users in lots directly adjacent the Marina Basin to minimize walking distances. The parking lots are separated from the Basin by a wooden boardwalk and a landscaped planting strip. Behind the parking lots, three areas are reserved for boat and cradle storage. It is anticipated that a small number of boats and cradles will be left in the storage area during the summer months. Sufficient space has been reserved for all marina users to store their boats on site during the winter months. To reduce any visual distraction this might create, landscaped berms will surround the boat storage areas. Additionally, it is anticipated that this landscape feature will assist in ameliorating the effects of wind on the Marina Basin.

Pedestrian access to the Marina Breakwater will be considered during summer daylight hours. At all other times, entry will be restricted to marina users. In the event that safety and security problems become unacceptable, the THC reserves the right to control access at the Breakwater entry point.

The Marina Breakwater will be owned by the THC and operated by the Commissioners' staff and agents under THC contract.

2.2 The Marina Centre

The land use concept for the Marina Centre was designed by the Hotson Bakker, Architects and the Fleisher Ridout Partnership, Landscape Architects. Hotson Bakker are internationally recognized for the creative mixed use waterfront development on Granville Island in Vancouver, British Columbia.

The concept detailed in the Hotson Bakker report (see Appendix "B") proposes a framework for the development of a range of marina related uses. These uses are housed in a village of buildings of one to three storeys, set in a public, pedestrian oriented, street system.

The Hotson Bakker report ultimately views the site as a dynamic mix of commercial and light industrial uses and recreational activity related to the Marina. To maintain vitality in the area, uses which are active on a four season basis will be encouraged in the Marina Centre. The Centre will serve as a point of transition connecting the passive recreation of Tommy Thompson Park to the active uses of the Marina and Cherry Beach. The transition is also from marina recreational, service and commercial to business and light industrial uses.

While strong interest has been expressed by operators in a regional marina of this kind, the actual demand for floor space and facilities is presently difficult to gauge. The concept provides for phasing and plan flexibility so that market-driven development will evolve within the conceptual framework as proposed.

The following is a description of the 4 main use areas of the Marina Centre and their relationship to the overall project.

2.2.1 Marina Service Centre

This facility will be a regional centre for boat service and maintenance. Drawing from the southwest Lake Ontario area, as well as the 1200 slip Marina, it will provide comprehensive repair and maintenance services as well as gas, oil, and sewage pumpout services for power and sail boats. This area could as well be the centre for boat charters and tours, sailing instruction, boat rental and dry-stack or inside boat storage. The built area would have a marine/industrial architectural idiom with outdoor space for storage of boats waiting for service or pickup. It will operate 12 months a year and be able to take advantage of the extensive boat storage of the Marina Breakwater in winter and the destination aspects of the entire development in the summer.

Toronto area boaters must currently travel to Port Credit to find service of this nature.

The Service Centre component is tied directly to the Marina itself and would, like the Marina, be developed as a marina-related use project in Phase 2 of the development schedule.

2.2.2 Marina Restaurant and Administration Facility

These facilities provide services to two market groups: boat owners based at the Marina and boaters from the surrounding region. It will be a multi-use group of buildings with offices for the adminis-

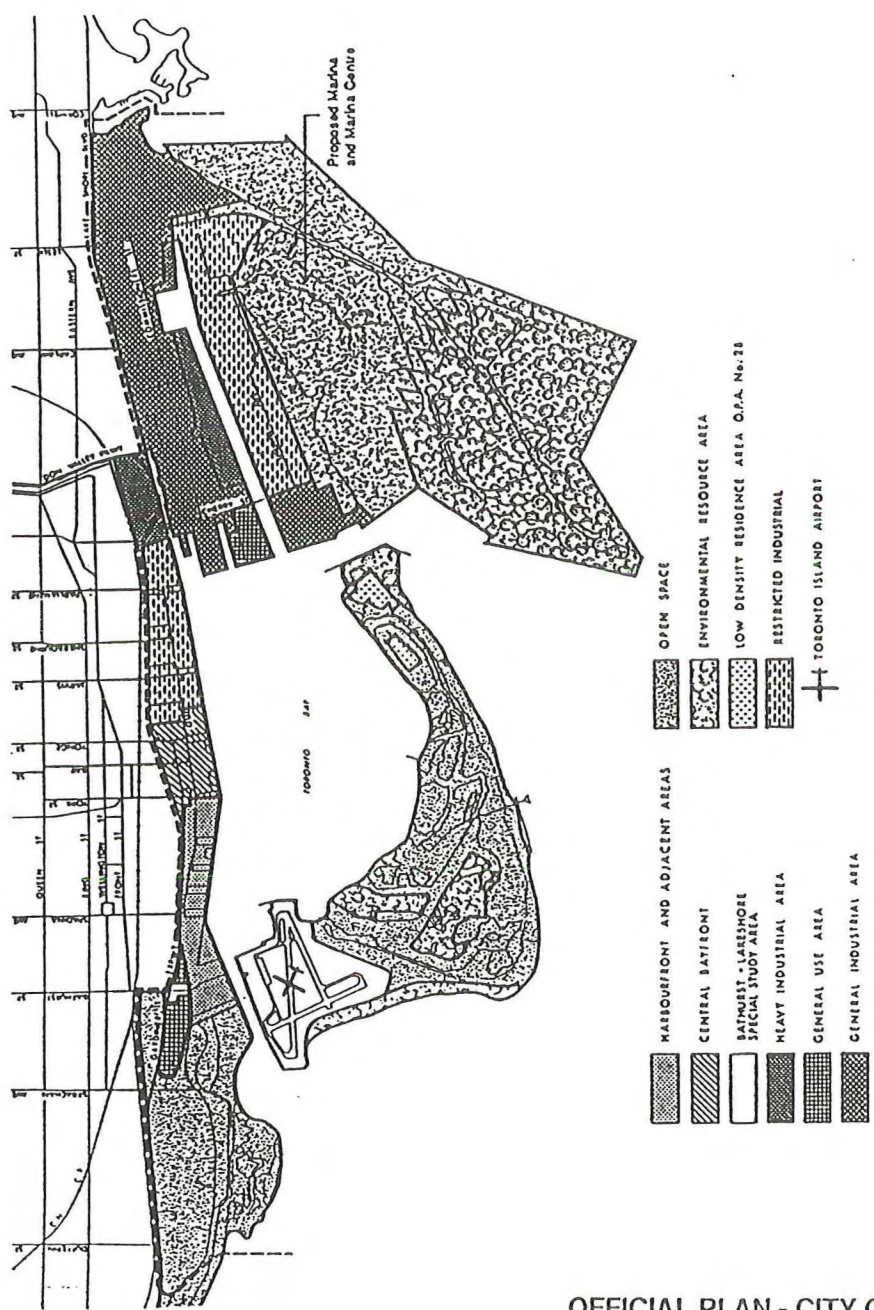
trative staff, reception, booking, first-aid, maintenance and security. There will be showers, lockers and laundry facilities for boaters. Food service will be provided preferably through a first class restaurant and supported by additional facilities such as a lounge, coffee shop and/or snack bar. These facilities will make use of decks and verandas to take advantage of the excellent views of the Marina Basin and Toronto's Skyline. This facility is tied directly to the Marina itself in that it provides a limited range of commercial uses for the marina user that are considered to be essential to a properly operated marina. Such uses would include a ship chandler/marine hardware store and a rigging shop. This facility will be constructed as part of Phase 2.

2.2.3 Marina Related Commercial Area

The Marina Related Commercial area represents an opportunity to provide services for the Marina user and general public at large in the third phase of the Marina Centre development. During the summer months this area will experience heavy exposure to pedestrian traffic. Commercial activity will capitalize on this feature but also be cognizant of the economic realities of the site's seasonal nature. Uses such as a health facility, providing nautilus, steam, jacuzzi, and racquet sports could attract users from both the Marina as well as the region to create a destination attraction. This type of use is primarily market-driven so that the extent of these facilities would depend on an operator's assessment of the market potential. Examples of other uses would include a dive shop, windsurfing equipment sales, and a marine architect's office. Uses not related to the Marina will be permitted in this area providing that they are sensitive to the Marina and pedestrian environment and will encourage year round activity.

2.2.4 Marina Related Commercial Industrial Area

The fourth component of the Marina Centre is related to both the Marina Breakwater and Marina Service Centre as well as the Business Park to the north and the City itself. It is the largest component and could encompass a wide range of commercial and light industrial activities. The bulk of these would be marina related such as boat sales, brokerages, sail manufacturing, marine supply, recreational equipment sales and distribution and boat assembly. This development area is substantially market-driven and its size and make-up would reflect the response from the development community. This area also represents development proposed to occur within the third phase.

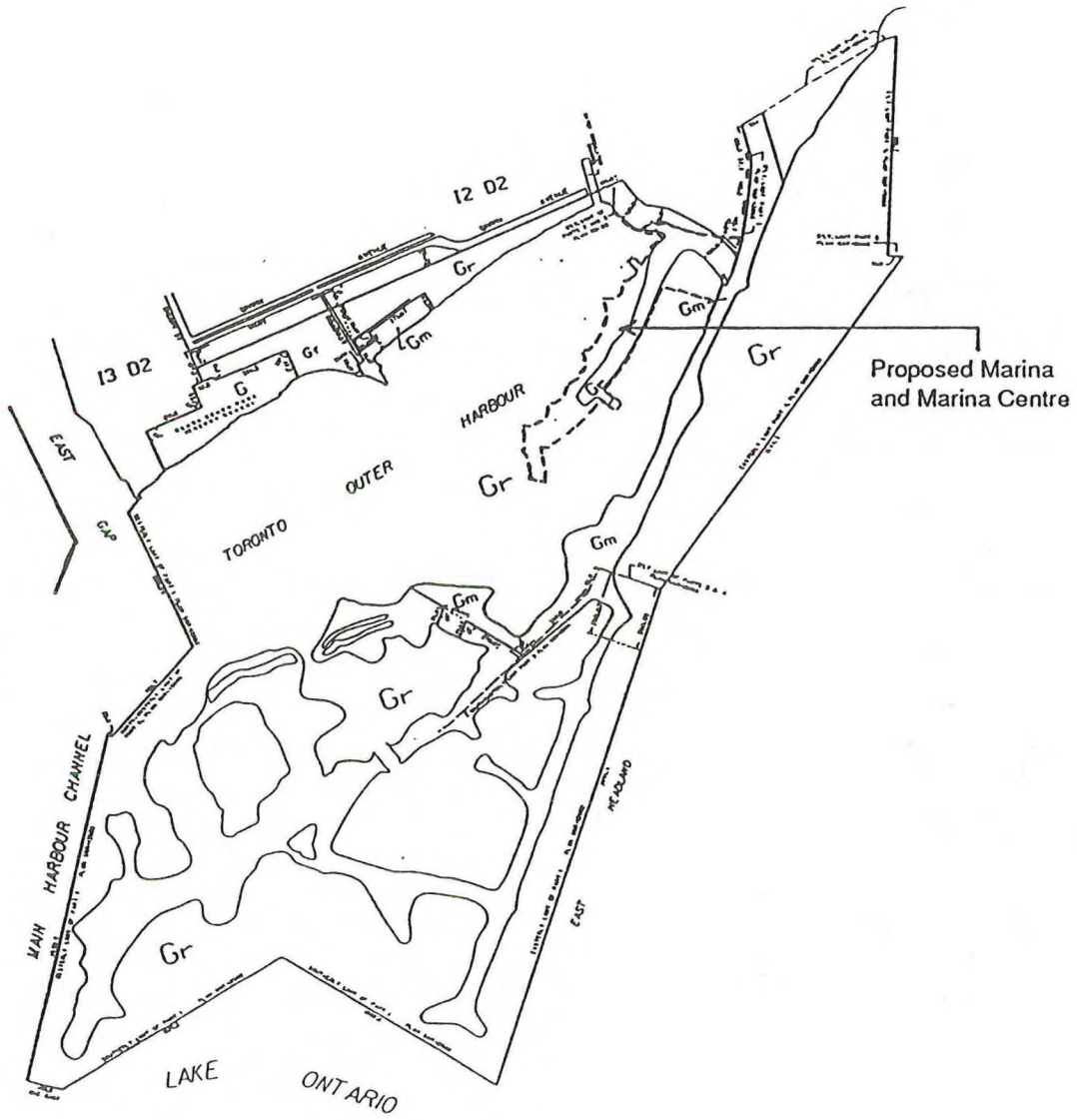


OFFICIAL PLAN - CITY OF TORONTO
 Amendment No. 463
 THE CENTRAL WATERFRONT
 Official Plan - Part II
 City of Toronto Planning Area

Assignment No. 520/04190
 Reduced Maps
 City of Toronto Planning & Development Department
 Robert E. Millward, Commissioner
 Waterfront and Railway Lands Section



March, 1989



**CENTRAL WATERFRONT
ZONING**

Assignment No.520/04190

Reduced Maps

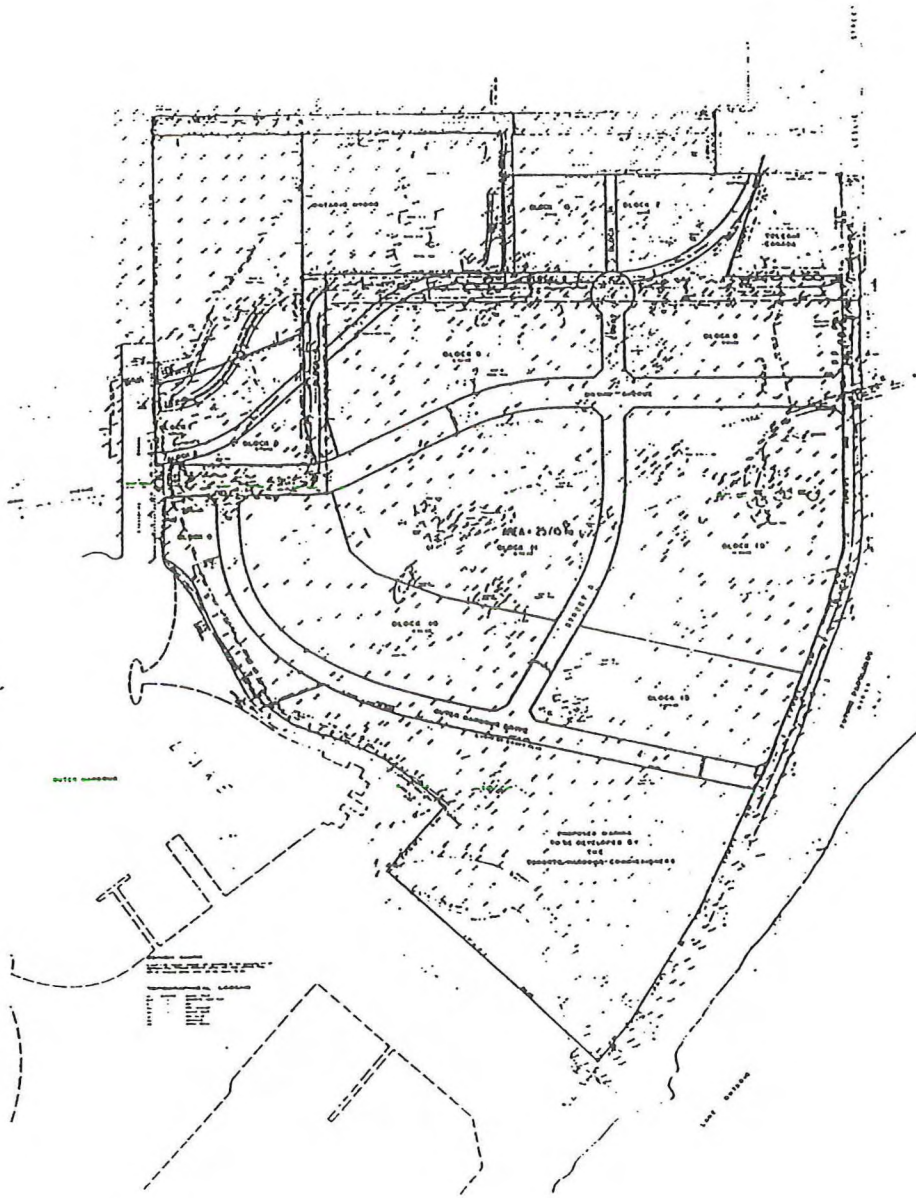
March, 1989

City of Toronto Planning & Development Department
Robert E. Millward, Commissioner

Waterfront and Railway Lands Section

2





THC's PROPOSED INDUSTRIAL **3**
PLAN OF SUBDIVISION

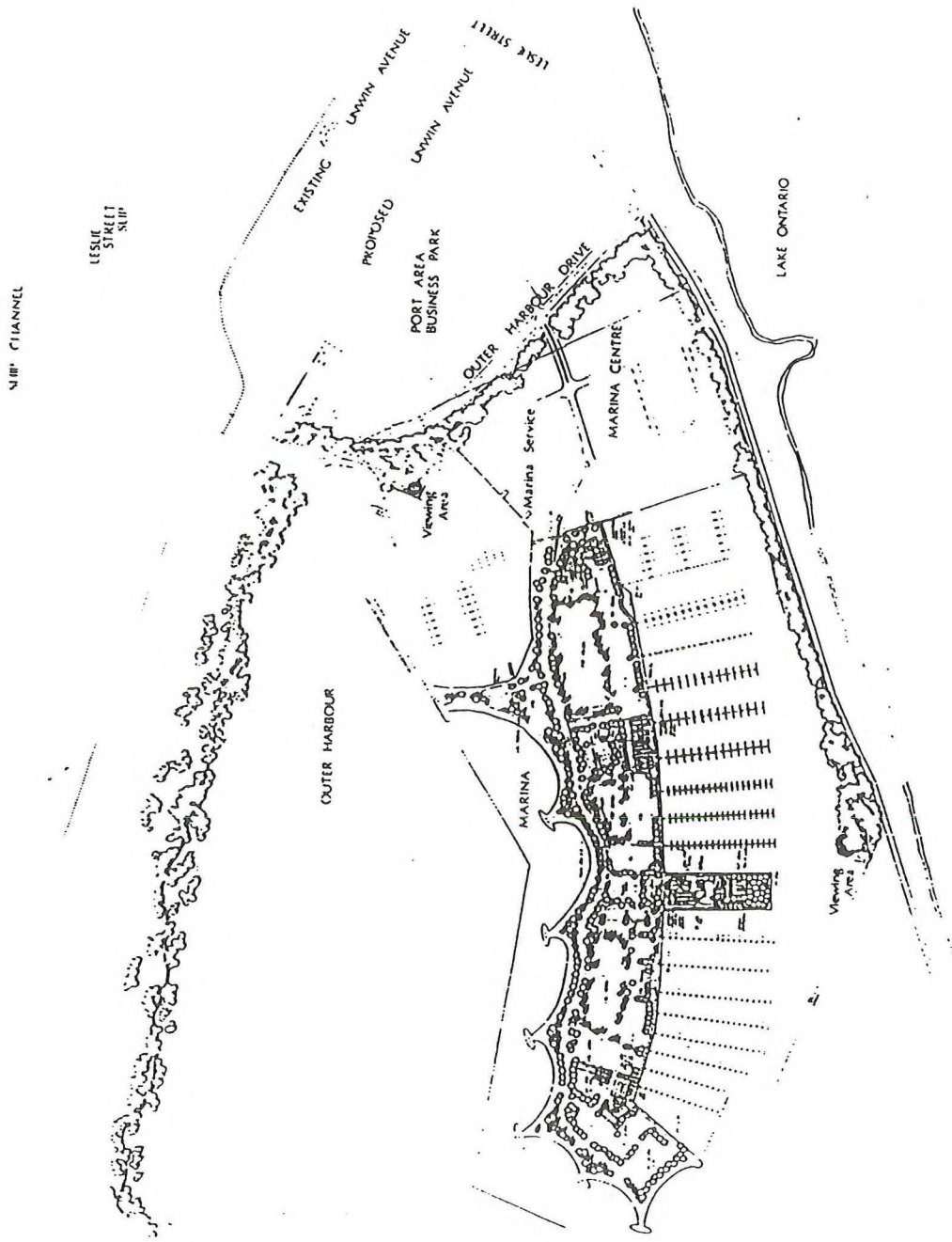
Assignment No. 520/04190

Reduced Maps

March, 1989

City of Toronto Planning & Development Department
Robert E. Millward, Commissioner

Waterfront and Railway Lands Section



**OUTER HARBOUR MARINA
DEVELOPMENT AREA**

THE TORONTO HARBOUR COMMISSIONERS

Assignment No. 520/04190

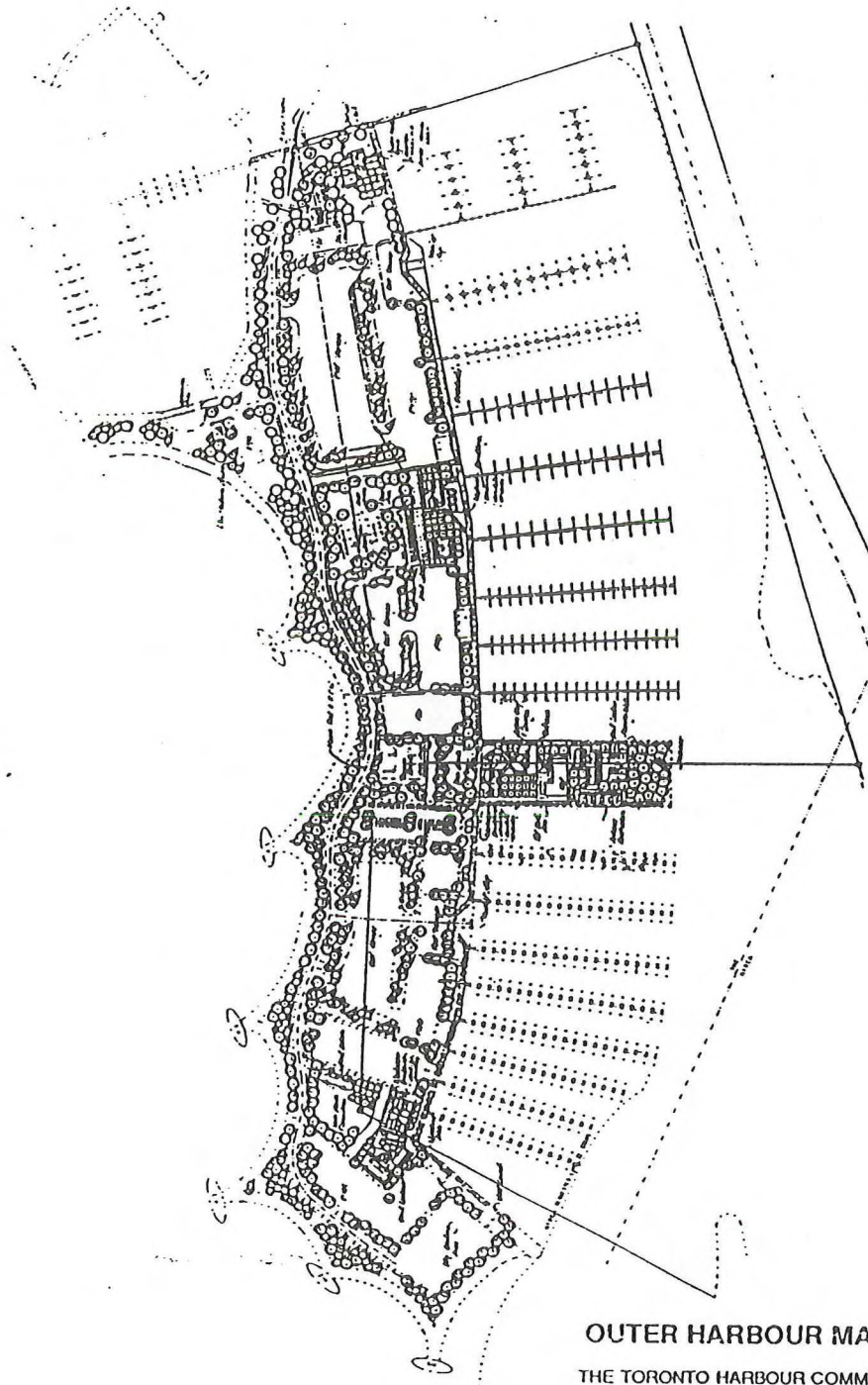
Reduced Maps

March, 1989

City of Toronto Planning & Development Department
Robert E. Millward, Commissioner

Waterfront and Railway Lands Section





OUTER HARBOUR MARINA
THE TORONTO HARBOUR COMMISSIONERS
MARINA BREAKWATER

Assignment No.520/04190

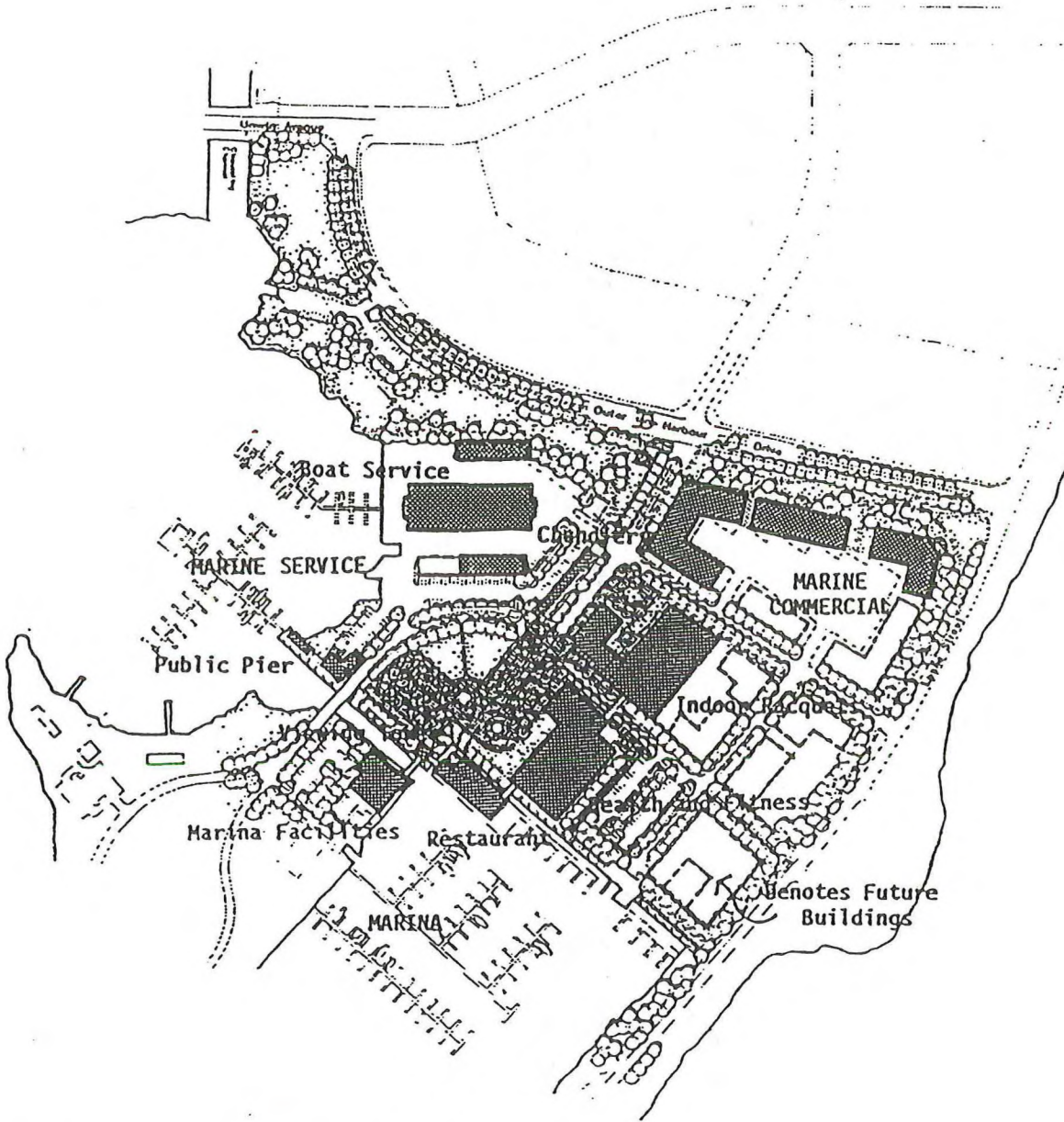
Reduced Maps


March, 1989

City of Toronto Planning & Development Department
Robert E. Millward, Commissioner

Waterfront and Railway Lands Section





Shaded buildings , streets and plazas and street trees and landscaping constitute possible first phase of site development.

MARINE CENTRE CONCEPT
THE TORONTO HARBOUR COMMISSIONERS

Assignment No. 520/04190

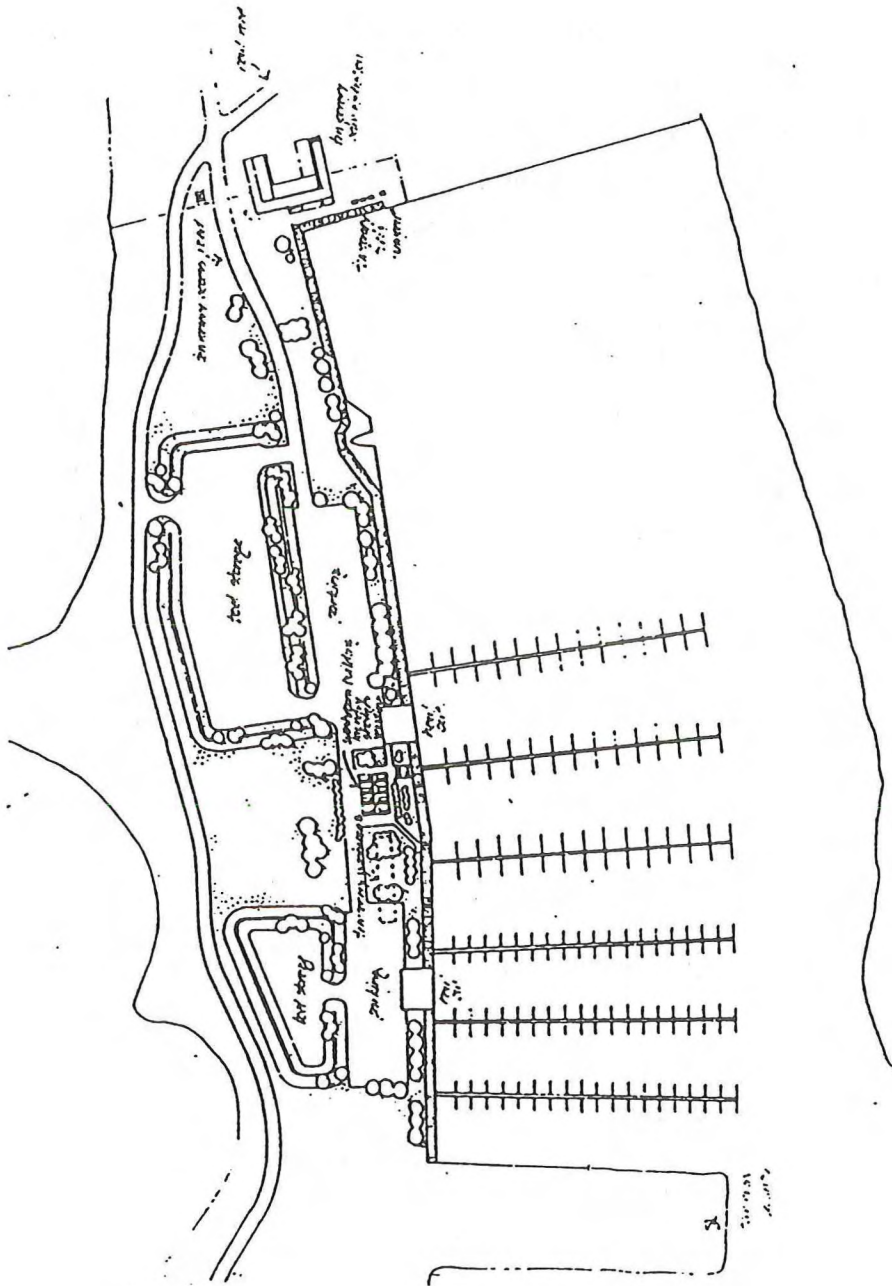
Reduced Maps

March, 1989

City of Toronto Planning & Development Department
Robert E. Millward, Commissioner

Waterfront and Railway Lands Section





OUTER HARBOUR MARINA

Phase One Completion: 1990 Season

Assignment No.520/04190

Reduced Maps

March, 1989

City of Toronto Planning & Development Department
Robert E. Millward, Commissioner

Waterfront and Railway Lands Section



The Committee also submits the communication (March 29, 1989) from Councillor Disero:

Regarding the above-mentioned item, I have discussed possible options with our Planning staff, to reach a compromise between the Harbour Commission and City staff.

The following options were discussed:

- 1) Temporary service connections now despite zoning conflict.
 - requires City staff to ignore existing City by-laws.
 - contravenes intent of lakefilling policies of Central Waterfront Plan.
 - can accommodate May 1, 1989 opening date.
- 2) Rezone the Phase 1 before permitting service connections.
 - City Solicitor advises that Planning Act process must be followed re: notice and Public Meeting.
 - cannot accommodate May 1st opening, due to requirement for Public Meeting and 30-day notice.
 - earliest date for permitting service connections assuming no objections to by-law is June 17, 1989. (Assumes that Council adopts amending by-law on May 18th, following May 10th Public Meeting of Land Use Committee.)
- 3) Adopt a Temporary Use By-law, as per Section 38 of Planning Act, to permit uses proposed in Phase 1.
 - same dates for permitting service connections apply, as per 2, above.
 - permitted use would expire with by-law, up to 3 years term.
 - rezoning for Marina could be pursued during life of Temporary Use By-law.

Critical Dates and Actions Required for Rezoning on Option 2 or Option 3

March 29, 1989	Land Use Committee <ul style="list-style-type: none">- authorize City Solicitor to place Notice of Public Meeting in newspapers.- designate Land Use Committee meeting of May 10, 1989, as Public Meeting.- direct staff to prepare draft by-law for May 10th Public Meeting, to either rezone or temporary use by-law for Phase 1.
April 3, 1989	City Solicitor submits Notice to newspapers.
April 10, 1989	Notice must be published by this date.
April 20, 1989	City Council meeting <ul style="list-style-type: none">- adopts March 29, 1989 Land Use Committee recommendations.
May 10, 1989	Land Use Committee Public Meeting <ul style="list-style-type: none">- special recommendation required to have by-law considered at May 18, 1989 Council meeting, otherwise, forwarded to June 1, 1989 Council.

the marina has been accepted and that only details need to be supplied before approval is given to the project, including sewer and other service connections. As the current by-law has been contravened, the project should be treated as non-existent until a full City and public review has been completed and the resulting final Official Plan and Zoning By-laws are in place.

At the moment the neck of Tommy Thompson Park is zoned GM and this extends about 2.4 kilometres. With the intensive development at the north end and the proposed MTRCA developments, which I strongly oppose, at the south end of the neck, the whole area will be intolerably congested and overused. The experience of large areas of natural open space which should be available to all users will be either diminished or destroyed. The presently shown road configuration of the Industrial Park will create additional traffic on this part of Leslie Street, and this, too, will have a negative effect.

It is suggested that the North Shore sailing clubs be moved to the marina and to Tommy Thompson Park in order to eliminate privatization of the North Shore. This will create privatization of a part of the Park, including car access and parking, and contribute to congestion at the marina. If the sailing clubs were all located on the North Shore, a considerable additional length of shoreline of the Park would become available for Public pedestrian access. For the sailing clubs there would be easy car access from Unwin Avenue. Facilities at the North Shore could be enhanced with the funds which would have been used to build them in the Park and at the marina. A great deal of anticipated water-related congestion would thereby be eliminated.

It is evident that the Planning and Development Department has serious concerns about many details surrounding development of this particular part of the waterfront, not only relating to the land or the zoning itself but also with related issues. In spite of this, the wording of Recommendation 1 and of Recommendation 2 seems to me to imply that marina and buildings will probably be acceptable providing that additional information is supplied, not about the proposal but about the buildings, created lands and geotechnical reports on completed sewer designs.

Except for reservations about this, I support the recommendations and suggest that Land Use Committee strongly encourage City Council to consider the public impact and long term effects of their decision.

With hindsight there have been questions about Harbourfront and the Skydome. There is still time to make the right decisions about the Outer Harbour Marina and Marina Centre.

The Committee also submits the communication (March 28, 1989) from Mr. Bryan K. Bertie, 14 Sandstone Lane, Toronto, M4J 4Z9:

I strongly urge your Committee and Council as a whole to accept the recommendations of the Planning Department.

Because the THC is unwilling to submit itself voluntarily to a City planning review, including an appropriate public commentary process, the City should have no hesitation in withholding City services to the development. In any event, the City's proposed strategy is preferable to a long-protracted City legal challenge at taxpayer expense.

It is extremely important, as the Planning Department stated, "to review the marina proposal in the context of a review of the entire complex, including the design integration with the abutting industrial plan of subdivision proposed to the north with the parks and open space system, including the Martin Goodman Trail, and with the Tommy Thompson Park Master Plan". (Page 11, Section 4.5 of the Report.)

The above approach should lead to a land use product which ensures "sustainable development" within the context of environment - economy integration of the eastern waterfront. By not co-operating with the City, the THC, as a federal agency, could well be in conflict with the new federal government policy as it pertains to sustainable economic development.

Key issues raised by the Planning Department include:

- conflicts and congestion on the waters of the Outer Harbour
- public accessibility to the water's edge

These issues perhaps indicate a need for a scaled-down marina operation as focussed on the marina arm. The objective would be to ensure that all the existing North Shore clubs be relocated to this location.

There are good planning grounds that would indicate that Tommy Thompson Park should be a 100% natural resources waterfront park. In this context, sailing clubs and wildlife are essentially incompatible. This was pointed out by the Canadian Wildlife Service (part of Environment Canada) in a submission to the MTRCA during the park planning process.

Any effort to further reduce the sailing clubs within Tommy Thompson Park should be supported by Council. Relocating the "North Shore" clubs to part of the THC "marina arm" would help ensure a 100% natural resource area within Tommy Thompson Park.

On June 10, 1988, Council adopted By-laws 527-88 and 528-88 which pertained to the Waterfront Official Plan and Zoning By-law amendments.

These By-laws clarified the status of the North Shore lands to the extent that the THC itself acknowledges that the lands are no longer required as reserve lands for shipping and shipping-related industry. The lands are now zoned as "open space".

This means that the MTRCA's planning deliberations with respect to the need to accommodate some or all of the North Shore sailing clubs within Tommy Thompson Park is no longer necessary. As a park designated primarily as a regional natural resource park, every effort should be made to eliminate the need to accommodate any boating activities there.

Assuming the accommodation of the four sailing clubs from Tommy Thompson Park to either the North Shore or the THC marina, it would appear appropriate for the MTRCA to amend its Board approved plan to reflect this reality. The modified MTRCA "final plan" should be resubmitted to the City's Planning Department in conjunction with the THC's "final plan" for the marina and the industrial subdivision in order that an integrated review and public examination will be possible. Presumably, the MTRCA will hold its planned submission to the Ministers of Natural Resources and Environment until the City review is complete.

By relocating all the "North Shore" sailing clubs to the THC "marina arm", the City would have the opportunity to provide more non-sailing intensive recreation along the North Shore lands at the water's edge. e.g. the extension of Cherry Beach eastward somewhat, thereby taking some of the pressure off the eastern Beaches, including Woodbine Beach.

Serious consideration should be given by the City and Metro in providing additional funding to the MTRCA to acquire the lands south of Unwin Avenue between Cherry Street and the Hydro outfall, as well as select strips within the "triangle lands", in order to protect the integrity of the regional land and water space. As "open space" the expense should not be onerous.

The future of the eastern waterfront deserves no less.

The Committee also submits the communication (March 29, 1989) from Mr. John Darling, Toronto Boardsailing Club, 318 Richmond Street West, Toronto, M5V 1X2,:

I am John Darling, an executive board member of the Toronto Boardsailing Club and past president. We are seasonal tenants of the Toronto Harbour Commissioners every summer from May to October. Our 200 windsurfer members are housed in temporary containers on the North Shore between the public Cherry Beach, and the community sailing clubs of the Outer Harbour Sailing Federation. We are affiliated with the Federation, as well as with the Ontario Sailing Association and the Canadian Yachting Association.

Windsurfers have occupied this beach for about ten years, and have become one of the major users of this harbour over the years. Our members at the Club and at the public Cherry Beach have grown steadily, and our season has extended to early spring until late fall as high-wind shortboard sailing and cold weather gear has become popular.

It must be recognized that windsurfing and dinghy sailing have become the overwhelming major users of the Outer Harbour. It must be recognized also that our sport is a low-cost, high-performance watersport affordable and accessible to all the citizens of Toronto. Kids can get started for a few hundred dollars, experts for a few thousand, and being a totally portable sport, no special, expensive facilities are required by the Parks Department.

We boardsailors don't ask for more; we don't want more, except for better changerooms and washrooms. What we want is to hold on to this precious public recreation resource, and we intend to fight to hold on to it.

Cherry beach is uniquely safe and its water relatively clean, and with plenty of parking and rigging grass, it is an ideal launching site for Torontonians and visitors to the City alike.

As long as the Outer Harbour is not needed as a port, we consider that best possible use of the harbour is small-craft, high-performance sailing.

We ask that the primacy of our sport in the Outer Harbour be recognized. We ask that the City planners and owners of the land recognize our existence, and consult us in future plans for Outer Harbour.

If you fail to recognize that we exist, the result will be disastrous traffic problems, and very costly remedial measures to correct this lack of foresight.

That's why, when we read the recommendation of the Planning Department to the Land Use Committee, we could only shake our head in disbelief. Certainly, in our view the City is duty-bound to refuse sewer and water connections to the Commissioners' marina. The reasons they give are in our opinion legally and morally unassailable. And the THC's defence that their marina is exempt from Provincial and municipal legislation because it is a special kind of marina, a federally-sacrosanct "shipping and navigation use" marina, is pretty transparent.

But the issue here is not sewer and water connections. It is the lack of public consultation and agreement in plans to develop an important recreation resource which, anyway you figure it, fundamentally belongs to all the citizens of Toronto and region.

Port and industrial development required national and Ontario industry and shipping interests; but recreation development requires municipal, non-industrial interests: Toronto's recreational public. And not passive, pennant-waving fans or even picnickers or strollers, but active participants in the unique kind of watersports that the Outer Harbour has nurtured for the past generation: dinghy sailing and windsurfing.

So, was any of Toronto's active recreation public—sailing—asked what they thought of the new marina project?

In the fall of 1985, I as president of the Windsurfing Club received a phone call from a charming young lady wanting to hear our views on the marina. She gave me her number, and said she'd get back to me. Well, she never did, and all the attempts I made to contact her were to no avail. I was very disappointed. The windsurfers never got a chance to tell her about our sport, or sport's needs.

Later, last year, I along with some community club sailing people were invited to hear about the Harbour Commissioners' plans for an "Aquatic Park" on the north shore. As it turned out, this was a non-sailing "Aquatic Park", except for a few rentals, and Cherry Beach as we know it, would completely disappear.

Plans for another totally passive park where citizens could come and gawk at boats and seagulls but that's about it. We weren't asked to comment, particularly. It was a plan that we had no hand in creating. It was another consultants' boardroom plan. Consultants' boardroom plans are very popular these days.

We agree with City Planning's proposal for a comprehensive review not only of the marina complex, but more importantly of the future use of the Outer Harbour as a whole. Like, how do we direct traffic in that body of water after the marina's open?

The 1986 Commissioners' study recognizes that there will be a "reduced quality of boating experience for existing users". More interesting is their suggestion that possible conflict between marina traffic and the 400 to 600 present users might require monitoring and "mitigative action taken if warranted".

What possible "mitigative action" could they imagine would solve this problem, short of an expense of millions of dollars to modify the huge marina? Did the Harbour Commissioners take into account this considerable hazard to their marina when they decided on the option of placing the marina where it is today?

Several "mitigative actions" come to mind, however, such as placing the mouth on the marina to the east of the Spit, in front of Ashbridge's Bay. Another would be allowing only sail-powered boats into the marina, where the Outer Harbour is filled with sail-powered dinghies and sailboards. Another is a drastic scaling-down of the size of the marina to accommodate present users as well as new marina users.

That's the crux of the matter: accommodating the new marina with the traditional sailing users of the Outer Harbour. Do we need a debate on the greater utility for the general public of Toronto: small-craft sailing vs. luxury watercraft?

We small-craft digny and sailboard sailors are here to stay, mark my words. We've already been involved in a 5 year public input process with the Metropolitan Toronto Region Conservation Authority over the future use of the Leslie Street Spit. We have won the right to an aquatic park on Tommy Thompson Park, a small clubhouse and launching site on new landfill on the north shore of the Spit. Being at the mouth of the new marina, our skills in maneuvering through boat traffic will be tested: we will be club members, and good sailors for the most part.

We think the City is right in demanding all parties to begin to rectify the problems presented by the marina by sitting down together to work things out.

We have other important questions to raise, as well. The Harbour Commissioners' marina is a marina built upon highly suspect landfill, despite purportedly stricter monitoring of the landfill pouring in by the truckload over the past years. Just what pollution and filth has been dumped into the Outer Harbour? How might it affect the health of not only marina users but as high-performance sailors outside the marina?

Our brand of sailing is very wet. We spend more time in the water and under the water that any swimmers do; furthermore, we like it that way. We should be able to enjoy it that way, ideally. We are participating in the Water Remedial Plan project to help make this improvement come about. And hopefully, the THC marina landfill hasn't already worsened the water quality temporarily or permanently.

We sailors plan to make input into the Royal Commission of the Toronto Waterfront, and in the RAP process as well. For our part, we state that we are ready to input into any process involving the Outer Harbour and the new marina. We look forward to being a part of the planning process in the future, not a spectator to it.

The Committee also submits the communication (March 28, 1989) from Miss Wendy Joscelyn, Commodore, Outer Harbour Sailing Federation, 396 Wellesley Street East, Toronto, M4X 1H6 :

On behalf of the Outer Harbour Sailing Federation, I would like to congratulate the Commissioner of Planning and Development for taking a bold stance requiring that the THC be subject to the same planning process as other developers in the City of Toronto. The OHSF represents 1500 sailors in eight community and/or profit clubs that currently use the outer harbour.

Actually, the OHSF cannot comment on the above report as we have not had access to it, despite the fact that we are the present stakeholder in the outer harbour that will be most affected by the development. We were briefed on the conceptual plan a year ago; however, the conceptual plan had no mention of the Marina Centre which doubles the negative impact of the entire marina development.

The OHSF supports the Commissioner of Planning's suggested modification to the detailed plans, specifically, the elimination of all boat service facilities, docks, mooring facilities, and public launch ramps outside the marina basin.

The marina itself will create extraordinary congestion and pollution in the outer harbour. The Outer Harbour is a common problem where a capacity herd will be effectively increased eightfold with the addition of 1200 yachts. The water lots occupied by the Marina Centre and the traffic generated by the Centre, would indeed be the death knoll for dingy sailing in this unique protected body of water.

The Committee also submits the communication (undated) from A. H. Jenkins, Executive Director, Ontario Sailing Association, 1220 Sheppard Avenue East, Willowdale, Ontario, M2K 2X1:

The Ontario Sailing Association, as the sport governing body for sailing in Ontario, wishes to comment on the Toronto Harbour Commissions Outer Harbour Marina.

The present situation as it prevails to this date, creates a concern on behalf of this association due to the impasse between the City of Toronto and Toronto Harbour Commission in regards to the availability of services to the site and the consequences to those sailors who have already booked and planned their location for Harboring their boats. Many of these sailors are contemplating the availability of slips at the Marina commencing this May and their dilemma will be most difficult without these services.

The Toronto Harbour Commission over the many years of its existence has provided services and facilities not only to commercial shipping entering into the port of Toronto but also for the large recreational sailing community which is one of the unique assets of Toronto Harbour.

This Association is dedicated to and wishes to make it clear to all concerned that the quality of sailing and board sailing that presently existing in the outer harbour must not be hindered or diminished due to the implementation of this Marina. All due precautions must be taken by the Toronto Harbour Commission and other municipalities assuring that water safety will be of the utmost importance as a result of the influx of a substantially larger boating operation. As this Land Use Committee well knows, the demand for recreational sailing facilities in the greater Metropolitan Toronto Area continues to be at a peak demand. This Marina is being built by THC in order to meet this demand and provide facilities for people to use the waters of Lake Ontario in and about the Toronto Harbour.

This Association has communicated with the Toronto Harbour Commission in the past and has expressed its concerns about the safety of small craft in and about the Marina entrance. The OSA in this regard will recommend to the Toronto Harbour Commission that the users within the Marina, establish a club or some such similar entity, through which an educational water safety programme can be put in place and that safe boating habits and restrictions can be promulgated to the users of the site, thus providing a more safety conscious and educated boating community operating out of the Marina.

In the THC plans for the site there is discussions about a dry sailing area to satisfy the needs of some of the boating clubs located presently on the North Shore. The Outer Harbour Sailing Association and the OSA have negotiated with the MTRCA a site in Tommy Thompson Park zoned GM and will provide housing for clubs that may be displaced from the North Shore as well as the existing Aquatic Park Sailing Club. More discussions on the suggestions by THC for the dry sailing area must take place before any commitment can be made in this regard.

Over the years, the OSA has made representations to the City regarding the public water access requirement of a 7 metres promenade under section 5A5 of the official plan. We are sympathetic with the considerations and concerns expressed by the THC in regards to the availability of the public to the immediate waters edge within the Marina setting. The factors such as security, injury, liability risks, as well as others; waters edge concerns make for a strong consideration in support of the Marina's contention that areas of the site must be restricted to the general public.

It goes without saying that sailing craft operating out of the Marina should have auxilliary power in order to safely move in and about the Marina's proximity.

In conclusion, the OSA can only stress the urgency to this Committee of resolving the differences between the City of Toronto and the Toronto Harbour Commission in order that there will be no disruption to the sailing services which are being anticipated by the boating public for this Spring. The general outcome must be one that will provide a safe and high quality sailing site throughout the outer harbour area for sailing craft, from wind surfers to sail boats to power driven craft.

The Committee also submits the communication (March 29, 1989) from Mr. John Carley, Friends of the Spit, P.O. Box 467, Station "J", Toronto, M4J 4Z2:

My name is John Carley. I am here today in my capacity as co-chairperson for Friends of the Spit. As you probably all know by now, Friends of the Spit is an organization which is dedicated to keeping the Leslie Street Spit as a public urban wilderness, free from development, free from car traffic, and accessible to all for passive recreational uses.

In the course of our representations over the years, we have worried constantly about the THC Marina and the THC's development plans for the waterfront areas at the Spit.

We welcome the fact that the Toronto Harbour Commission has finally placed their first plans before elected officials, for their comment, and hence for public comment. This is our first reason for appearing, to place before you our comments pertaining to the Marina. Secondly, we congratulate the Planning and Development Department on this detailed comprehensive report, and generally we agree with it. We strongly support the recommendations of their report, and respectfully ask you to approve them.

The 1200 power-boat marina, at the base of the Spit, is a facility that is totally unnecessary, and completely wrong for the environment. The THC has shown no desire to co-ordinate their efforts with other bodies and jurisdictions, and has shown no desire to incorporate public opinion - either those who use the Leslie Street Spit as public wilderness or the sailing fraternity already along the north shore. The public meetings/open houses held by the THC were both farces. The environmental assessment was self-initiated, and the THC felt that no stages beyond this were necessary. (As you also know, the Federal guidelines are much less restrictive than the Provincial ones). The THC has acted unilaterally and in arrogance of the proper planning issues. It is our contention that the THC, when acting in any fashion other than its given Federal mandate, is subject to the same development controls as any other developer.

For the THC to request service hook-ups is ludicrous, when their Marina Proposal does not meet any Official Plan or Zoning requirements.

It should be pointed out here that the THC has created the Marina out of fill diverted from other areas of the Spit, contrary to their 1987 Operating Plan. We are not aware of any Operating Plan filed for 1988, again contradicting the City's earlier requests. Further, the issue raised within the Planning report that some of the berths have been pre-sold is a red herring - it has no bearing on the planning and zoning issue. (It should be further noted that we notified Mayor Eggleton of this pre-selling, and received a response, August 9, 1988, from him stating that the Commissioner of Planning and Development would report to him in that regard). (Copy of Letter attached).

The fact of the matter is that the City has zoning in place recently considered and implemented zoning at that - which is, in our opinion, the correct zoning. The City should not in any way compromise this zoning. If the zoning is compromised, this area of the waterfront will end up as just another piece of high-priced privatized waterfront real estate.

Instead, Committee Members, there is a chance now to implement a tremendous series of parklands along the north shore, which would culminate in the public urban wilderness of the Leslie Street Spit. What to do with the arm of land the THC has constructed? Easy - place the small boat sailing clubs along that arm facing the north shore, and then they won't have to be put on the Spit.

This solution would solve the problem of car traffic and access on the Spit by relocating the sailboat clubs, it would also free up north shore land for greater public activity, and, as there will be no Marina, and there would be no need for the extensive privatization and buildings. There would also be no danger of the large powercraft interfering with the safety and enjoyment of the small boat

sailors and sailboarders. Further, no more fill need be placed, with its attendant pollution problems (as identified by the City WRAP programme).

Our vision for this land around the Spit is that it be fully accessible to all people, and bring the parkland and the waterfront into the public realm. Furthermore, there needs to be much public participation on this issue, and there certainly needs to be a comprehensive review by the City of the overall land use and its relationship to its surroundings.

Finally, we ask the Committee to stand firm and not leave the door open for any so-called interim servicing or servicing in stages. Surely, the City must now realize that the THC each time acts only as the thin edge of the wedge, and each time the wedge has grown and grown. The time to halt the development is now!

We respectfully encourage you to adopt the report of your Commissioner of Planning and Development, and reject any servicing connections.

Attached communication (August 9, 1988) from Mayor Eggleton addressed to Mr. John Carley, Co-Chairperson, Friends of the Spit):

Thank you for your letter regarding the Toronto Harbour Commission advertising berths at the marina.

The Commissioner of Planning and Development has been requested to report and a copy of that report will be forwarded to you as soon as it is available.

The Committee also submits the communication (March 29, 1989) from Miss Verna J. Higgins, Botany Conservation Group, University of Toronto, Department of Botany, Toronto, M5S 1A1:

The THC Outer Harbour Marina has been a concern of our group since the initial concept plans were presented at their "open house". At that time we and others expressed many of the concerns which are addressed in the report from the Commissioner of Planning and Development. In particular, the impact of the proposed facilities on Tommy Thompson Park and the adjacent waters has been a major worry to us.

We strongly support the proposal (page 2,e) for a comprehensive review of the whole project in relation to the surrounding uses before any consideration is given to rezoning or interim servicing of the site. Public participation should be an essential component of that review and we will be pleased to participate. In contrast, we think that there is little to be gained by asking the THC to hold public meetings as they have obviously already decided to let the "marketplace", not the public, plan the project.

While we find it incredible that this huge land filling operation was able to proceed without City approval, we are encouraged by the call for review. We also hope that, as a result of this issue and the proceedings of the Crombie Commission, procedures will be adopted that will prevent the THC from starting any future developments without proper review.

COUNCIL'S ACTION

(Council Meeting - April 21, 1989)

Council amended this Clause by adding at the end thereof the following:

"It is also recommended that the City Solicitor be requested to report further to the next Executive Committee in Conference should the Toronto Harbour Commissioners not respond positively to Council's request prior to May 1, 1989

and that the Clause be adopted, as amended.