



Department of the City Clerk

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Barbara Caplan/City Clerk

Reply to: Ms. Jane Lockwood - 392-7033/4

Please refer to: 89cncluc 15-1:292

July 4, 1989

City Council, at its meeting on June 29, 1989, gave consideration to the attached Clause 1 contained in Report No. 15 of the Land Use Committee entitled, "Rezoning - Phase I Of The Toronto Harbour Commissioners Proposed Outer Harbour Marina".

During consideration of this Clause, Council also had before it the following:

- communication (June 27, 1989) from the General Manager, The Toronto Harbour Commissioners;
- communication and petition (June 28, 1989) from Sheila Hirsch, 23 Craighton Drive, #100, Scarborough M1L 2N5, on behalf of The Boaters of the Outer Harbour Marina;
- report (June 28, 1989) from the Commissioner of Planning and Development;
- communication (June 29, 1989) from Commissioner of Parks and Recreation, addressed to Councillor Disero, Chair, The Toronto Harbour Commissioners; and
- communication (June 29, 1989) from Anne E. Gowan, Executive Assistant, General Manager's Office, The Toronto Harbour Commissioners.

Council amended this Clause by rescinding the action taken by the Land Use Committee and adopting the following:

- "1. That City Council approve the rezoning of Phase I of the Proposed Outer Harbour Marina on the condition that the public access to the Marina Arm, as described in the Toronto Harbour Commissioners Option 5, set out in Appendix B to the report (June 28, 1989) from the Commissioner of Planning and Development, be provided, as modified below:
 - during the boating season, May 1 to October 31, full public access be provided to the arm during daylight hours;
 - 24-hour security be provided on a year round basis, to the Marina Arm, Phase I;
 - access be provided to the Marina Arm during non-daylight hours throughout the boating season, and 24-hours a day in the winter on a sign-in, sign-out basis;
 - the signing in and out provisions will not be unreasonably withheld from members of the public;
 - the gates to the spine remain unlocked throughout the boating season during the daylight hours;
2. That the Toronto Harbour Commissioners be requested to monitor and study boat congestion and speeds in the Outer Harbour this summer and report further to the Land Use Committee and City Council, when the proposed rezoning of Phases II and III of the Marina are considered;
3. That the Commissioner of Planning and Development and the Toronto Harbour Commissioners be requested to report on any and all alternatives that would permit boat access to the Marina from the east, and which would prohibit or restrict access from the west, when the proposed rezoning of Phases II and III are considered by the Land Use Committee;
4. Subject to receipt of the agreement referred to in Recommendation No. 5, that Recommendations Nos. 2 and 3 of the report (April 25, 1989) from the City Solicitor be adopted;
5. That the Toronto Harbour Commissioners be requested to enter into a collateral agreement with the City encompassing the conditions set out in Recommendation No. 1, above; that the agreement be brought to Council with the Bill on July 13, 1989; and that the Bill regarding the rezoning of Phase I of the Outer Harbour Marina from

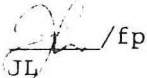
GR to GM be introduced in Council, as soon as possible, or by the next meeting of Council on July 13, 1989;

6. That the agreement be drafted in such a form so as to permit temporary connection of the services while the By-law is being advertised and during the appeal period on the clear understanding, that should the By-law be successfully appealed the services will be disconnected at the expense of the Toronto Harbour Commissioners and that the Commissioners not deny access to the City forces who may be involved with the services at that time, and that this be included in the agreement; and
7. That the Toronto Harbour Commissioners work with the Commissioners of Parks and Recreation and of Planning and Development to develop appropriate proposals to ensure public use and access for any new recreational facilities to be provided."

You are respectfully requested to consider the foregoing recommendations of City Council.

Yours truly,


City Clerk

/fp
JL

Encl.

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

Mr. Robert Millward, Commissioner, Planning & Development Department

Mr. Herb Pirk, Commissioner, Parks & Recreation Department

Mr. Dennis Perlin, City Solicitor

cc: All Interested Persons

CITY OF TORONTO EXTRACT FROM CLAUSE EMBODIED IN REPORT
DEPARTMENT OF THE NO. 15 OF THE LAND USE COMMITTEE WHICH
CITY CLERK WAS AMENDED AND ADOPTED BY CITY COUNCIL

AT ITS MEETING HELD ON JUNE 29, 1989

.....

1
**REZONING - PHASE I OF THE TORONTO HARBOUR COMMISSIONERS
PROPOSED OUTER HARBOUR MARINA**

The Land Use Committee resubmits Clause 18 of its Report No. 13 which City Council, at its meeting on June 1, 1989, referred back to the Land Use Committee for resubmission to City Council on June 29, 1989:

—

At the request of Councillor O'Donohue, the Committee forwards the following to Council for its information.

The Committee advises that it has:

1. *informed the Toronto Harbour Commission that the Land Use Committee does not find the proposal for public access to the Marina acceptable and requests that a far more extensive proposal for public access be brought forward and that no By-laws be considered until this new proposal is considered by the Land Use Committee, it being noted that 24-hour and yearly public access would not apply to the wooden docks and slips and not apply to the boat storage area during the winter months.*
2. *requested the Commissioner of Planning and Development and the Toronto Harbour Commission to work together to develop a plan to reduce the use of motors and the speed of motor powered boats to a minimum in the Outer Harbour area and that this operational plan be brought forward to the Land Use Committee for its information.*
3. *requested the Commissioner of Planning and Development and the Toronto Harbour Commission to report on any and all alternatives that would permit boat access to the Marina from the east and which would prohibit or restrict access from the west.*
4. *requested the Commissioner of Planning and Development, in consultation with the Commissioner of Finance, to report on whether or not the Toronto Harbour Commission would pay property taxes on the Marina.*
5. *decided that the Rezoning not be proceeded with until the above reports have been considered by the Land Use Committee.*

The following motions were placed, but not voted on:

Moved by Councillor Levine:

That Council not approve the rezoning for the Outer Harbour Marina from GR to GM.

Moved by Councillor Nowlan:

1. That the report (April 25, 1989) from the City Solicitor be adopted.
2. That the report (May 1, 1989) from the Commissioner of Planning and Development be adopted.
3. That the letter (May 10, 1989) from the Toronto Harbour Commission be received and referred to the Commissioner of Planning and Development, as requested in Recommendation 1 of his May 1, 1989, report.
4. That the report (April 25, 1989) from the City Solicitor be received.

Notice of a public meeting in respect of the proposed by-law was given as required by the Planning Act. The public meeting was held by the Land Use Committee on May 10, 1989. The following persons addressed the Committee:

- Mr. Ken Bryden, 50 Waverley Road, Toronto, M4L 3T1;
- Ms. Jacqueline Courval, Co-Chairperson, Friends of the Spit, Box 467, Station "J", Toronto, M4J 4Z2;
- Mr. John Darling, President, Toronto Boardsailing Club & Executive Member, Committee for a Boardsailing Centre in the Outer Harbour, 318 Richmond Street West, Toronto, M5V 1X2;
- Mr. Robert Sydia, Toronto Boardsailing Club, 890 Yonge Street, Ste. 402, Toronto, M4W 3P4;
- Mr. Hugh Quetton, 101 Chaplin Crescent, Toronto, M5P 1A4;
- Mr. Larry Field, Manager, Waterfront Planning, The Metropolitan Toronto & Region Conservation Authority, 5 Shoreham Drive, Downsview, M3N 1S4;
- Mr. Tony Blue, Ex-Commodore, Water Rat Sailing Club, 20 Albemarle Avenue, Toronto, M4K 1H7;
- Ms. Helen Hansen, 242 Burnett Avenue, Willowdale, M2N 1V8;
- Councillor Churley.

The reports contained in the Clause have been previously distributed. Copies can be picked up at the City Clerk's office.

(Council Action - June 29, 1989)

During consideration of this Clause, Council also had before it the following:

- communication (June 27, 1989) from the General Manager, The Toronto Harbour Commissioners;
- communication and petition (June 28, 1989) from Sheila Hirsch, 23 Craighton Drive, #100, Scarborough M1L 2N5, on behalf of The Boaters of the Outer Harbour Marina;
- report (June 28, 1989) from the Commissioner of Planning and Development;

- communication (June 29, 1989) from Commissioner of Parks and Recreation, addressed to Councillor Disero, Chair, The Toronto Harbour Commissioners; and
- communication (June 29, 1989) from Anne E. Gowan, Executive Assistant, General Manager's Office, The Toronto Harbour Commissioners.

(Copies attached - 31(a) to 31(e))

Council amended this Clause by rescinding the action taken by the Land Use Committee and adopting the following:

- "1. That City Council approve the rezoning of Phase I of the Proposed Outer Harbour Marina on the condition that the public access to the Marina Arm, as described in the Toronto Harbour Commissioners Option 5, set out in Appendix B to the report (June 28, 1989) from the Commissioner of Planning and Development, be provided, as modified below:
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 - 24-hour security be provided on a year round basis, to the Marina Arm, Phase I;
 - access be provided to the Marina Arm during non-daylight hours throughout the boating season, and 24-hours a day in the winter on a sign-in, sign-out basis;
 - the signing in and out provisions will not be unreasonably withheld from members of the public;
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2. That the Toronto Harbour Commissioners be requested to monitor and study boat congestion and speeds in the Outer Harbour this summer and report further to the Land Use Committee and City Council, when the proposed rezoning of Phases II and III of the Marina are considered;
3. That the Commissioner of Planning and Development and the Toronto Harbour Commissioners be requested to report on any and all alternatives that would permit boat access to the Marina from the east, and which would prohibit or restrict access from the west, when the proposed rezoning of Phases II and III are considered by the Land Use Committee;
4. Subject to receipt of the agreement referred to in Recommendation No. 5, that Recommendations Nos. 2 and 3

of the report (April 25, 1989) from the City Solicitor be adopted;

5. That the Toronto Harbour Commissioners be requested to enter into a collateral agreement with the City encompassing the conditions set out in Recommendation No. 1, above; that the agreement be brought to Council with the Bill on July 13, 1989; and that the Bill regarding the rezoning of Phase I of the Outer Harbour Marina from GR to GM be introduced in Council, as soon as possible, or by the next meeting of Council on July 13, 1989;
6. That the agreement be drafted in such a form so as to permit temporary connection of the services while the By-law is being advertised and during the appeal period on the clear understanding, that should the By-law be successfully appealed the services will be disconnected at the expense of the Toronto Harbour Commissioners and that the Commissioners not deny access to the City forces who may be involved with the services at that time, and that this be included in the agreement; and
7. That the Toronto Harbour Commissioners work with the Commissioners of Parks and Recreation and of Planning and Development to develop appropriate proposals to ensure public use and access for any new recreational facilities to be provided."



THE TORONTO HARBOUR COMMISSIONERS

JUN 29 11 05 AM '89

60 Harbour Street, Toronto, Ontario
Cable: Torport
Telephone (416) 863 2000

M5J 1B7
Telex 06-219666
Facsimile (416) 863 4830

Bill ...
Frank ...
John ...
Nadine ...
Jack ...

C. P. Brock, General Manager

In reply refer to file no. 565-0-1

June 27, 1989

31(a)

DELIVERED

Ms Barbara G. Caplan
City Clerk
2nd Floor,
East Tower, City Hall,
Toronto, Ontario
M5H 2N2

Dear Ms Caplan:

Re: Clause No. 1, L.U.C. Report No. 15
Outer Harbour Marina

This is with further reference to my letters of May 23 and 31 regarding the Outer Harbour Marina. At its meeting on June 20, the Board of The Toronto Harbour Commissioners reviewed further staff reports on the Outer Harbour Marina dealing with the topics of safety and speed limits, lakeside access, and public access.

Safety/Speed

Consultations have been undertaken with the Outer Harbour Sailing Federation and the Metro Police Marine Unit. The Commissioners have engaged consultants to undertake a detailed water usage study of the Outer Harbour this summer to compile data on the actual utilization of this body of water. The Marine Unit has agreed to increase patrols to ensure adherence to speed limits by all users. In the meantime, the Harbour Master and the user groups agree that a buoyed channel would tend to concentrate traffic in one area and would create unnecessary and unwelcome localized congestion. The Commissioners have authorized the Harbour Master to pursue an enhanced boardsailing safety education programme in conjunction with the boardsailing clubs, the police, municipal parks departments, and the Ontario Sailing Association.



Based on observations to date since the majority of Phase 1 marina slips were occupied, the Harbour Master remains firmly convinced that present conditions do not impede safe navigation.

Lakeside Access

The Commissioners have requested that the attached June 12 staff report, summarizing the arguments against lakeside access, be forwarded to City Council for information.

Public Access

Attached is a set of five public access options. A set of these plans plus a copy of this letter is being delivered to each City Council member.

In order to permit winter access, as suggested by the Land Use Committee, extensive fencing of the boat storage areas would be required as shown in Option Three, with resultant detrimental impact on the aesthetic environment of the whole marina arm all year.

Options Four and Five would not provide the essential level of security for the boat storage areas during the winter. Separating the marina facilities from the year-round public space by a continuous fence, as shown in Option Two, is not favoured by the Commissioners in comparison to Option One.

The Commissioners have therefore confirmed that public access during the winter from November 1 to April 30 should not be permitted because of the detrimental impact which the required fencing would have on the public's enjoyment of the area during the summer, with minimal offsetting benefits. They have further confirmed their endorsement of Option One, which provides for full public access to the entire breakwater and the dock spines during daylight hours from May 1 to October 31, with minimal fencing required across the neck of the breakwater to provide security control after dark and throughout the winter.

Yours very truly,



General Manager

RUSH

CITY OF TORONTO
NO BOATERS OF OUTER HARBOUR MARINA
REFER June 28, 1989

31(b)

We are a cross section of the community, representing all age groups from a mixed social/economic background brought together in the pursuit of a chosen recreation namely boating or sailing.

Our crafts or vessels range from 12 ft to 50 ft., and we should like to lay at rest any misconceptions members of the Council or public have that because we participate in such a sport we must have limitless financial funds. To the contrary, many of us have achieved this way to spend our recreation hours by mortgaging ourselves to the hilt, selling our homes or moving to smaller, cheaper accomodations. Many of us are "do-it-yourselfers" who carry out construction, repairs or just "tinker" away on our own vessels. This is usually carried out with the help and encouragement of fellow boaters.

Contrary to the allegations made by other interest groups who wrote describing us as "RICH YACHTIES", we are here in a marina because we too have budgets and they exclude costs incurred from joining private club facilities around Toronto and the southern Ontario shoreline.

We boaters/sailors are, because of the nature of the sport, a very social and helpful group. This stems from the fact that as we are at the mercy of mother nature (winds or often the lack of winds) we have to be ready to lend a hand to a neighbour as we ourselves may require assistance sometime in the future.

In comparison to other sport and recreation facilities which are provided free to the public e.g. baseball diamonds, football fields, swimming pools, tennis courts and bike/walking trails, boaters are required to pay for our recreational needs even though sailing is a recognized world wide recreational sport.

Self interest groups along the shoreline such as board and dingy sailors who have up to now enjoyed complete and total use of what represents a very large piece of a limited commodity, namely the waterfront and the bay affronting it, have lodged objections to our right to share our countries assets with them. Yet who is it who is at hand when exhausted sailboarders or tired overturned dingy sailors need help, it is the sailors/boaters who willingly go to assist them aboard or offer a friendly tow back to safety.

2.

BOATERS OF OUTER HARBOUR MARINA

June 28, 1989

H209

May we suggest: 1) With control of racing courses which at present many of the interest groups have set up right across a marked shipping channel thus instigating high risk situations in an attempt to prove their point; 2) By limiting inexperienced boardsailors attending courses set up by these self interest groups to an area that would keep the marked channel free of falling bodies and boards, we could then all be an asset to the waterfront of the City of Toronto.

We would also ask that the Council give grave consideration to the reality that just as other submissions have indicated, there will be a need to protect both property and public alike throughout the confines of a marina.

Those of us who spend many hours around boats and docks are only too aware of the constant need to watch our footing and not fall foul of docking lines, water hoses and power cables, which may be stretched across access areas.

We require ourselves and invited guests to wear nonslip soled foot wear. Taking great care not to get caught up in anchors hanging over bow sprits. As those of us who have had the misfortune to fall between a dock and a boat can attest to, it is a terrifying experience that results when water is murky, room is limited, and space between boat and dock disappears as you try to re-surface.

Property and people must also be protected from those who would see a quiet marina as an ideal place to commit a crime. Also, the damage that could be inflicted by curious bypassers who not only want to look, but touch, adjust or collect a souvenir must be guarded against...

We the boaters, have only been in the marina for a short time, many for less than a month. Only the hardest boaters were at the marina at the beginning of May, so we have not had a chance to be involved. We have trusted City Hall and the Outer Harbour Marina to provide a fair environment for our sport. Of the 282 boats in the water and we have over 200 names on our petition protesting the less than satisfactory conditions. With the short period of time we have had to work with, this would indicate that the group is both concerned and interested.

We strongly protest to Toronto City Council: Land Use Committee the delay in providing facilities for the Outer Harbour Marina.

3.

BOATERS OF OUTER HARBOUR MARINA

June 28, 1989

In particular in accordance with the proposed plans for Phase 1:

- Connections to the municipal sanitary sewage and water systems.
- A permanent building containing washrooms, laundry facilities and showers for marina members.
- General landscaping

As well, we urge agreement with the Harbour Commission concerning public access to the water's edge. If the public is to be given full access, then boat owners must be provided with security on the finger docks to ensure safety of personal property and the safety of the non-boating public. In keeping with the safety of the public we ask you to support the Toronto Harbour Commission's proposal F-1 (Fencing).

We are taxpayers who have chosen boating as our summer recreational activity. We feel our ability to enjoy the Toronto waterfront and its many advantages has been severely curtailed by the lack of facilities and the uncertainty of the future of the Outer Harbour Marina.

We appreciate your attention to these matters.

The boaters of the Outer Harbour Marina

Contact:
Sheila Hirsch
23 Craighton Dr., #100
Scarborough
M1L 2N5

A copy of our petition delivered to the
city clerk appears on the following 3 pages

P E T I T I O N

WE THE UNDERSIGNED STRONGLY PROTEST TO TORONTO CITY COUNCIL: LAND USE COMMITTEE: THE DELAY IN PROVIDING FACILITIES FOR THE OUTER HARBOUR MARINA.

IN PARTICULAR IN ACCORDANCE WITH THE PROPOSED PLANS FOR PHASE 1:

- CONNECTIONS TO THE MUNICIPAL SANITARY SEWAGE AND WATER SYSTEMS
- A PERMANENT BUILDING CONTAINING WASHROOMS, LAUNDRY FACILITIES AND SHOWERS FOR MARINA MEMBERS
- GENERAL LANDSCAPING

AS WELL, WE URGE AGREEMENT WITH THE TORONTO HARBOUR COMMISSION CONCERNING PUBLIC ACCESS TO THE WATER'S EDGE. IF THE PUBLIC IS TO BE GIVEN FULL ACCESS, THEN BOAT OWNERS MUST BE PROVIDED WITH SECURITY ON THE FINGER DOCKS TO ENSURE SAFETY OF PERSONAL PROPERTY AND THE SAFETY OF THE NON-BOATING PUBLIC.

WE ARE TAXPAYERS WHO HAVE CHOSEN BOATING AS OUR SUMMER RECREATIONAL ACTIVITY. WE FEEL OUR ABILITY TO ENJOY THE TORONTO WATERFRONT AND ITS MANY ADVANTAGES HAS BEEN SEVERELY CURTAILED BY THE LACK OF FACILITIES AND THE UNCERTAINTY OF THE FUTURE OF THE OUTER HARBOUR MARINA.

NAME	ADDRESS	SLIP#
RON & LOUISE EKBLAD	2 LOUGHBOLT AVE TOR. M5A 4E1	F-16
Mrs. Sue BORNICK	278 McNicoll Ave. Willowdale M2H 2C7	H-29
RON FULLER	32 LOUGHBOLT AVE TOR	H-50
Mr. & Mrs. Ron Fink	1606-150 LAKESHORE RD. WEST	1-59
TIM & LAURA TRIAN	1443 KIRKWOOD CRES. MISS. ONT L5M 3Y6	1-61
Finlayson, Susan & Gail - S.H.E.A	75 TILSON-LIFE ST. Park Sq. Toronto M5G 1A7	F-37
VILLY WANKEN	402 PARLIAMENT STREET, TORONTO M5A 3A2	D-39
BARRY TULIP.	422 PARLIAMENT ST Toronto M5A 3A2	D-38
JOHN & ANN M. McPHILLEN	904-355 Rathburn Rd. E. Mississauga M4Z 1H4	G-31
Louise K...	71 FINCH W NORTH YORK ONT M2N 2G2	E-19
...	12 HURONTARIO ST TORONTO ONT M5S 1A8	C-19
John & Ruth Plunton	130 Collingwood Blvd. Agincourt M1W 1M7	I-74
Ann Ashland	160 Frederick St. Toronto M5A 4K9	E-50
...	50 Elm St. # 408 Morningside - T4R 1R2	E-24
...	722 Rushton Rd. Toronto Ont M6E 2Y3	H-47
...	101 Chaplin Cres. Toronto M5P 1M4	1-45
...	23 CLAIRTON DR SCARB, M1C 2N5	F-42
Mr. & Mrs. M. Kelen	576 100	
Jeff Chelin	266 Heath St W, Toronto	F-40
NOEL TAYLOR	405 HYACINTHE BLVD #101 MISS	1-27
GEORGINA GOOD	11 ALCANTARA BLVD #11 MISSISS	1-49
DAVID GOOD	" " "	"
DONNA BARR	21 RED RIVER CRES SCAR M1B 1Z5	E 47
ANGUS SMITH	" " "	"

135 WOODCREST AVE, TOR	463-7993	H-71
35 WOODCREST AVE, TOR	463-7993	H-71
10 Sunnyside Ave, #111, Toronto		F41
60 5th Avenue St. Markham		H-25
57 Spadina Ave, 2nd Fl. TOR		F-27
5 Kingway Rd. Div. W.L.L.		G-27

2075 KENNEDY RD. DIV. N. TOR		D-20
1200 Spadina Rd, Unit 184		F18
12 GILES COURT, URBAN, ONT		E-3
12 GILES COURT, URBAN, ONT		E-3
552 SUMMIT GLEN RD, RICHMOND HILL, ONT		E-20
2075 CHESTER ST #122		F-22
677 BATHURST ST. SCAR. MINIBUS		H-2
371 Albany Ave		F-46
371 Albany Ave		H-51

NAME	ADDRESS	SLIP#
M. ROBERT	2240 WESTON RD	H-8
B. WINTER	2240 WESTON RD	H-8
	2240 WESTON RD	D13
	50 Church ST TORONTO	D13
	42 NORTON ST TORONTO	G21
	55 TORONTO STREET, SOMERSET	673
	1632 Pharmacy Ave	D31
	2460 REXDALE ST.	I12
	199 ST CLAIR AVE E	I12
	RR1 BAYVIEW CRT.	F14
	241017 AVE, RICHMOND	G55
	37 ST. LAWRENCE AVE TORONTO	G55
	324 CREDIT AVE. MISSISSAUGA	G58
	10 BURNHAMTHORPE ST. TOR.	E30
	11 BURNHAMTHORPE ST. TOR.	F35
	72 DUNDAS ST. TORONTO	F35
	72 DUNDAS ST.	E45
	72 DUNDAS ST.	E45
	45 Regatta Ave, WILLOWDALE	G70
	45 Regatta Ave, WILLOWDALE	G70
	205 Spadina Ave	G70
	40 WILLOWDALE AVE	E52
	21 DUNDAS ST. TORONTO	E52
	3100 Bay Ave, TORONTO	I11
	11 QUEENSWAY BLVD QUEEN	I12
	1450 KINCH AVE. NY.	F42

NAME	ADDRESS	SLIP#
G.P. Hume	115 Rankin Ave.	1-24
J. L. L. L.	115 Rankin Ave	1-24
P. L. L. L.	212 BAIN AVE	E-34
Jack Lowe	212 BAIN AVE	E-34
P. L. L. L.	159 Dundas St. W	H-25
Street	4-309 FIRST AVE. WILLOWDALE	H-6
Street	2301 BURNHAMTHORPE AVE WILLOWDALE	H6
Street	5 SANDY BAY AVE. P.M. TORONTO	E91
Street	58 RAVENHURST AVE. TORONTO	F49
Street	80 HURON AVE. TORONTO	F57/F58
Street	112 CAMERON AVE WILLOWDALE	G16
Street	618	G16

NAME	ADDRESS	SLIP#
Paul H. Winters	4715 ADELAIDE AVE TORONTO	D39
MANUEL LOPEZ	2055 LANESHOOT BLVD W	H51
	2055 LANESHOOT BLVD W	F17
	2055 LANESHOOT BLVD W	F17
	Suite 1408	F17
	40 Ravel Rd.	I-82
	1713 St. Michaels OR. MISS.	E-1
	135 TYNDALL AVE. TORONTO	H9
	10 East Street Toronto	E-48
	11 Spadina Ave. TORONTO	F44
	110 St. Stephen St. Toronto	G12

NAME	ADDRESS	SLIP#
B. L. L. L.	141 LTON COURT #1407	D-6
B. L. L. L.	107 BURNHAMTHORPE AVE	G71
B. L. L. L.	177 Centre Ave	I-32
B. L. L. L.	164 KING EDWARD AV.	I-24
B. L. L. L.	5740 Bay Ave	H-68
B. L. L. L.	267 CHALMERS ST TORONTO	F-8
B. L. L. L.	100 MIDLAND AVE TORONTO	I-10
B. L. L. L.	301 160'S BATHURST ST.	I-57
B. L. L. L.	173 Burnhamthorpe	F-15
B. L. L. L.	21 HAYWARD AVE TORONTO	
B. L. L. L.	589 GEORGE ST. KESWICK ONT.	

Handwritten list of names and addresses with handwritten notes on the left margin. Includes names like J. Minshall, Graham Kaye, and Andrew Tucker. Addresses range from 11425 Goldthorpe Rd, Mississauga to 89 Kingwood Road, Toronto.

Handwritten list of names and addresses, mostly illegible due to handwriting. Some names like 'Tom Hensherson' and '96 Gerard St E' are visible. Addresses are scattered across various streets.

Table with columns for NAME, ADDRESS, and SLIP#. Includes names like Karl Hany, Michael Duggan, and Charles. Addresses include 565, Blenheim St #2701 and 55 Cedar St. Slip numbers range from E41 to E45.

Table with columns for NAME, ADDRESS, and SLIP#. Includes names like Julie Futerman and Anne Futerman. Addresses include 2076 Sheppard Rd and 255 Broadview Ave. Slip numbers range from 639 to H30.

Table with columns for NAME, ADDRESS, and SLIP#. Includes names like '81 Red River CRES' and '85 Sandringham'. Addresses include 81 Red River CRES and 85 Sandringham. Slip numbers range from E21 to E24.

CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

520/12170
CC&W
June 28, 1989
Peter Langdon
392-7611

31(c)

Re: Clause 1 of Land Use Cte Report No 15

To: City Council

Subject: Toronto Harbour Commissioners' Outer Harbour Marina

Origin: Land Use Committee meeting of May 10, 1989
(c71cncl89075:114)

BACKGROUND:

The Toronto Harbour Commissioners' (THC) proposed Outer Harbour Marina is located on a 16 ha (39.6 acre) "spit" of land created by lakefilling in the Outer Harbour. The marina arm is approximately 1.1 km in length and is on the west side of, and roughly parallel to, the Leslie Street Spit. The THC proposes 1200 mooring slips in the marina when completed, with 400 slips in Phase 1. The arm is currently zoned "Gr", which is an open space zone permitting bathing stations and conservation lands and not a marina. City Public Works staff will not approve the requested connections to the municipal water and sanitary sewage systems until the appropriate "Gm" zoning is in place, which would permit a marina.

At the March 29, 1989 meeting of the Land Use Committee, the Committee had before it my March 16, 1989 report entitled "Toronto Harbour Commissioners Outer Harbour Marina and Marina Centre: Issues Report", as well as several communications on the matter. Ten deputants addressed the Committee.

The Committee recommended that the Toronto Harbour Commissioners (THC) 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, and directed the City Solicitor and myself 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 rezoning by-law for Phase 1, at its May 10, 1989 meeting. Notice of the May 10, 1989 public meeting was advertised in the newspaper in accordance with the requirements of The Planning Act.

Council endorsed the Land Use Committee's request to delay occupancy of the slips at its April 21, 1989 meeting, and also requested the City Solicitor to report to the next Executive Committee in Conference should the Toronto Harbour Commissioners not respond positively to Council's request prior to May 1, 1989.

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On May 1, 1989, the Outer Harbour Marina was opened and occupancy of the mooring slips was begun. Drinking water is being trucked in, and temporary holding tanks are being utilized for the washrooms.

At the May 10, 1989 public meeting, the Land Use Committee had before it my March 16, 1989 and May 1, 1989 reports, the latter dealing with the Phase 1 rezoning; two reports dated April 25, 1989 and April 27, 1989, from the City Solicitor, the former containing a draft zoning by-law for Phase 1; and several communications. Nine deputants addressed the Committee. The Committee forwarded the following to the June 1, 1989 Council meeting:

"The Committee advises that it has:

1. informed the Toronto Harbour Commission that the Land Use Committee does not find the proposal for public access to the Marina acceptable and requests that a far more extensive proposal for public access be brought forward and that no By-laws be considered until this new proposal is considered by the Land Use Committee, it being noted that 24-hour and yearly public access would not apply to the wooden docks and slips and not apply to the boat storage area during the winter months.
2. requested the Commissioner of Planning and Development and the Toronto Harbour Commission to work together to develop a plan to reduce the use of motors and the speed of motor powered boats to a minimum in the Outer Harbour area and that this operational plan be brought forward to the Land Use Committee for its information.
3. requested the Commissioner of Planning and Development and the Toronto Harbour Commission to report on any and all alternatives that would permit boat access to the Marina from the east and which would prohibit or restrict access from the west.
4. requested the Commissioner of Planning and Development, in consultation with the Commissioner of Finance, to report on whether or not the Toronto Harbour Commission would pay property taxes on the Marina.

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5. decided that the Rezoning not be proceeded with until the above reports have been considered by the Land Use Committee."

My March 16, 1989 report was not dealt with at the May 10, 1989 Land Use Committee meeting.

At its June 1, 1989 meeting, Council referred the matter to its June 29, 1989 meeting at the request of the THC Board, which had requested its own internal staff reports dealing with the Land Use Committee requests.

Attached as Appendix A are THC staff communications dated May 23, 1989 and May 31, 1989. Attached as Appendix B are three THC staff reports which were considered by the THC Board at its June 20, 1989 meeting. City Planning and Development staff was not involved in the preparation of the above communications and reports. While official notice of the THC position on these reports has not been received, I understand that they were received by the THC Board on June 20, 1989, and, that with regard to the issue of public accessibility to the marina arm, the THC Board endorsed the position previously taken, i.e. public access to the arm during daylight hours in the boating season (May 1-October 31). This was Option 1 of the five options for public accessibility proposed in the attached THC staff report (Appendix B).

Because Council may be considering approval of the rezoning at its June 29, 1989 meeting, and because the THC's position and documentation are likely to be before Council at that time, I have prepared this report on the issues raised by the Land Use Committee at its May 10, 1989 meeting.

Issues Raised by Land Use Committee (May 10, 1989)

a) Public Accessibility

The Central Waterfront Plan, adopted by Council on June 17, 1988 through By-law 527-88, contains the following statements regarding public access to Water's Edge lands:

"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,

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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.

The THC public access strategy, recently confirmed at their June 20, 1989 Board meeting, is to erect a fence across the neck of the marina arm and close the arm to the general public at night during the boating season and for 24 hours from November 1 to April 30. This scenario is referred to as Option 1 in the THC staff report reproduced as Appendix B.

I am concerned that the THC proposal for public access does not meet the spirit and intent of Council's policies as well as other public access scenarios could. The marina arm is a substantial new land area created by a public body in Toronto's Outer Harbour and, in order to better comply with Central Waterfront Plan policies regarding public use and access, should be more accessible to the public than currently proposed. (In this regard, I would note that the marina arm is larger in area than Polson Quay, almost 4 times the size of MT 27, and 1.5 times the size of MT 28 and MT 29 combined.) I do agree that some security measures are required to protect boats in the mooring slips at night and in the boat storage areas during the non-boating season, as suggested in the Land Use Committee's May 10, 1989 position.

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I would also note that Council has not yet considered a rezoning to permit the use of the entire marina arm for marina purposes, as proposed by the THC. A reduction in the size of the marina operation, and in the amount of space the THC intends to lease for boat storage to boat owners other than those who also lease slips, could increase opportunities for publicly accessible areas on the marina arm.

Subsequent to the June 20, 1989 THC Board meeting, THC staff has indicated that they might consider public access during daylight hours in winter months if people entering the marina arm were required to sign in, and to sign out upon leaving. This possibility would afford a somewhat greater degree of public access to the marina arm than the THC Board is currently proposing.

As indicated in the THC staff report attached as Appendix B, issues of safety, liability and security are the most important considerations for the THC in assessing their public access and security measures. Costs, aesthetics and site flexibility are also cited as factors. (As noted, site flexibility might be increased if the size of the marina operation were reduced.) I have contacted the operators of a number of other marinas and yacht clubs in the area to ascertain their security measures, degree of public access and any security problems they may have experienced. The results of this telephone survey are summarized as follows:

i) Bluffer's Park Marina, Scarborough

This marina contains 490 mooring slips, and is designed in a hub and spoke pattern with the administration and restaurant facility centrally located and open to the public, and with the main spines of the docks radiating outward. There are individual security gates at the base of each spine. There have been some minor incidents of theft from boats in the slips, attributed to other boaters, and no significant vandalism. There is a Metro Marine Police unit located adjacent to the marina.

Winter boat storage occurs in the permanently fenced service yard and in a parking lot which is surrounded with temporary fencing in the non-boating season. Some break-ins have occurred, with 4 or 5 boats broken into last winter. There are no security guards patrolling the marina.

ii) Ashbridge's Bay Yacht Club, Toronto

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This facility is a private yacht club with 260 mooring slips and is completely fenced off to the public. The winter boat storage occurs within the permanently fenced off yard. There were about 4 boat break-ins during last winter, when there were no security guards at night. There is a 24 hour security presence during boating season.

iii) Aquatic Park Sailing Club, Tommy Thompson Park

This club is located in an embayment on Tommy Thompson Park. About 100 boats are moored to bouys in the water, with some transient mooring available at the 120 foot dock. The area is not fenced, and there are no security patrols. People are often present during the day, but infrequently at night. Vandalism and theft at night are major problems. Last year, 40% of the boats were broken into, with a boat stolen from the dock used to access the moored boats. Cars and the temporary facilities on shore have also been broken into and/or vandalized. No winter boat storage is provided.

iv) Toronto Island Marina

This privately operated marina on Centre Island contains 473 mooring slips, about 15 pile moorings and 20 to 30 dry-sail boat storage spaces. There are no physical barriers to the docks, but "No Trespassing" signs indicate that the docks are private property. Winter boat storage takes place at the site with no fencing. There is no significant vandalism or theft problem. Staff are present all winter.

v) Marina 4, Harbourfront Pier 4

This marina has 98 mooring slips including visitors' slips. There are usually no physical barriers to prevent public access to the docks, although they are sometimes roped off during major Harbourfront events, such as concerts. There are no signs to discourage public access. Several people live on their boats, and the dockmaster lives there all year round. Harbourfront provides night-time security patrols, and the main Metro Marine Police Station is nearby. No winter boat storage is provided on land, but a few boats remain in the water all winter. One or two break-ins occur each summer.

vi) F and N Yacht Club, King's Landing, Harbourfront

This facility contains 165 mooring slips. Public access is available to the dockwall but individual gates at the end of each dock prevent public access to the boat docks. Winter storage for about 100 boats occurs in the permanently fenced

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compound adjacent to the docks. This compound is floodlit at night. In summer, there is 24 hour security provided, with a night watchman. In winter, vandalism and theft have occurred at night, with 26 boats being broken into over a 2 day period 2 years ago. The operator cited the proximity of the Metro Marine Police Station as being beneficial, and cited liability concerns as being the more important reason for the gates on the dock than security concerns in summer.

vii) Ontario Place Marina

This marina contains a total of about 350 mooring slips, of which 20 to 30, depending upon boat length, are along publicly accessible dockwalls. The bulk of the mooring slips are accessible only to boat owners and guests, by means of gates and guardhouses. There are, in effect, two marinas in the complex containing 50 and 300 mooring slips, respectively and each with its own gate and guardhouse. The marina is staffed 24 hours a day. There is currently no winter boat storage, but it is being considered on a fenced parking lot within the grounds. Ontario Place security regularly patrols the area. There have been only minor vandalism or theft incidents, usually on the boats moored at the publicly accessible dockwall. It is also noted that the public must first pay an admission fee to enter the Ontario Place grounds, which is an added layer of security.

viii) Port Credit Harbour Marina, Mississauga

This marina is located at the mouth of the Credit River in Mississauga, in an urbanized area. It contains 966 mooring slips. The facilities are permanently fenced, but the public may walk in during the day all year round. The gates are closed after 10:00 p.m. at night. About 1300 boats are stored within the fenced area in non-boating season. There are no additional barriers to the docks once inside the perimeter fence. Security guards are on-site for 24 hours all year. Minor vandalism and theft incidents have occurred in winter, but no significant problems have been encountered.

In conducting the informal survey, it is recognized that there could be a tendency for some marina operators to minimize vandalism or theft problems for public relations reasons. Generally, however, with the exception of the Aquatic Park Sailing Club, security problems in boating season appear to be minimal. The presence of boaters, staff and/or security patrols would tend to dissuade such incidents. The problems at Aquatic Park Sailing Club are perhaps unique, due to the remote, unsupervised location with no community of boaters present. I would also note that

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fences on land cannot prevent water-borne access by vandals or thieves to moored boats. Only supervision, either formal or informal, can deter such activities. Winter theft and vandalism in boat storage areas, usually at night, appears to be more of a problem when supervision is minimal. These findings would tend to support a greater degree of public access to the Outer Harbour marina arm during boating season than proposed by the THC, and would lend support to the need for supervision of boat storage areas in winter.

As previously indicated, the THC staff report, attached as Appendix B, outlines five public access options, with different gate and fencing requirements and locations and hours of public access. It should be noted that all these options assume 1200 mooring slips and associated facilities and winter boat storage. Also, because there is a shortage of winter boat storage facilities in this area, the THC is proposing to design their boat storage areas to accommodate 1200 boats, and whatever boat storage space is left over after accommodating boats from the Outer Harbour Marina will be made available to other boat owners. Therefore, a marina smaller than 1200 slips does not automatically mean a reduction in the boat storage areas provided on the marina arm.

Description of THC's Five Proposed Public Access Options

Option 1: Permanent fence across the neck of the marina arm. Public access to the entire arm, including the docks, is restricted to daylight hours during boating season (May 1 to October 31). Since public access is not permitted at night or in the non-boating season, there are no other fences or gates required.

Option 2: By constructing fencing along the entire south side of the marina access road, the northern water's edge of the marina arm could remain open to the public, possibly as a public park, for 365 days a year. Public access to the rest of the arm would remain as per Option 1.

Option 3: By fencing off the dockwall, washrooms, and docks permanently, and by fencing off the boat storage areas in winter, public access could be permitted on the arm for 24 hours all year.

Option 4: Dockwall, docks, and washrooms are permanently fenced off to the public. The arm would be open to the public for 24 hours during boating season, and closed during the non-boating season.

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Option 5: Gates are installed at the base of each spine. Public access to the arm is permitted for 24 hours during boating season, and not permitted in the non-boating season.

Comments on THC's Five Options

Given Council's objectives regarding water's edge public access, as embodied in the Central Waterfront Plan, public access to the northern edge of the marina arm and to the boardwalk along the dockwall would be most important. The boardwalk would provide interesting views of the boats, while the northern edge will afford views of the Outer Harbour, North Shore, and back to the City skyline as well as possible access to the water itself. Public access onto the docks would be interesting since the public could observe the boats up close, but is not as important, in my view, as access to the land which forms the marina arm.

From an aesthetic and functional standpoint, the less obtrusive the gates and/or fencing are, the better. From THC's cost standpoint, the less gates, fencing and security patrols required, the better.

The five public access options involve trade-offs between greater public access for restricted hours, or more restricted access during longer hours. Greater public access means increased costs, gates and fencing. I would agree that given the size of the marina arm and its relatively secluded location in relation to the more active, developed parts of the City, prohibiting public access to boat storage areas in non-boating season and to the docks themselves at night during boating season, by means of gates and fencing, is a reasonable measure, in terms of maintaining security and safety and reducing THC's potential liability.

The two THC options which permit as much public access as possible to the dockwall and the northern water's edge while minimizing the gates and fencing required, are Options 1 and 5.

Both options could be further enhanced by permitting public access to the arm during daylight hours during the non-boating season on a sign-in, sign-out basis. This was raised by THC staff as a possibility during recent discussions on the public access issue, although THC staff made no commitments to such a program. Option 5, involving gates at the base of each spine, could be enhanced by keeping the gates open during daylight hours, although there will be pressure from the boat owners to permanently close those gates to the public.

The marina arm could be a very pleasant and attractive environment for the public during evening hours in the boating season,

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especially during the warmer summer months. From this perspective, and because of the privatization of publicly created land represented by fencing off the entire marina arm, Option 5 is more attractive than Option 1.

The THC is proposing mooring slips along the dockwall. The gates at the base of each spine would not offer these boats any night-time security, and could allow people to get around the closed gates by stepping onto the boats from the dockwall. The THC might thus have to eliminate some mooring slips along the dockwall if Option 5 is implemented. That would not appear to be a prohibitive cost, however.

In summary, of the five options identified by the THC, Option 5 would best fulfil the goals and objectives of the Central Waterfront Plan, and could be further enhanced by a restricted (i.e. sign-in, sign-out) form of public access to the arm in the non-boating season, and by keeping the gates at the base of each spine open during daylight hours.

b) Boat Access from the East through Tommy Thompson Park (Lakeside Access)

The main advantage of a design whereby boat access to the marina basin would occur by way of a new channel cut through the neck of the Leslie Street Spit is that the possibility of any congestion in the Outer Harbour which could be directly attributed to the marina would be greatly reduced. The determination of what constitutes boating congestion, and an unacceptable level of such congestion, is rather subjective, however, and could vary widely, depending upon the perspective and interests of the person making the judgement.

The THC staff report on lakeside access, attached as part of Appendix B to this report, expresses a number of concerns with a lakeside access design. While I do not dispute the validity of the problems raised, I believe further study of this proposal would be advantageous. The problems raised by the THC are not prohibitive.

Regarding the environmental concern, Metro Toronto is proposing to extend the sewage treatment plant outfall much farther out into the Lake to achieve better effluent dispersion, which should alleviate the in-shore pollution problems. On the safety issues, considering that boats currently exiting from the Ashbridges Bay Yacht Club into Lake Ontario would encounter similar wave and wind conditions to boats exiting from a well-designed lakeside access from the Outer Harbour Marina, these problems do not seem insurmountable.

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THC staff would appear to agree that lakeside access is possible, because their conclusion is that although the marina entrance should remain as is, the lakeside access could be considered if boating congestion in the Outer Harbour becomes a problem.

There is no mention made in the THC report of the possibility of a swing bridge across a lakeside access channel, the capital costs for which would appear to be much lower than the high-level bridge. The high operating costs and operational difficulties would appear to make such an option impractical, however. A bridge across the lakeside access channel would permit the existing marina entrance to also remain open, possibly facilitating some form of controlled access into the Outer Harbour for small or sail-powered craft, or during adverse weather conditions. A disadvantage of such a design would be the tendency for boaters to use the marina as a "short cut" through the Spit instead of having to travel around the Outer Harbour Headland, thereby reducing their travel distance by a few kilometres.

c) Reduction of Motor-Powered Craft

One means of reducing the number of motor-powered boats (i.e. non-sail motorized boats), which the THC has not addressed in its reports, is the placing of restrictions on the number of mooring slips leased to such craft in the Outer Harbour Marina. I have consulted with the City Solicitor who has advised that such restrictions are within the powers of the THC. Another means of reducing the number of motorized boats is to reduce the absolute number of slips.

Other possibilities for reducing motorized craft in the Outer Harbour include reducing the proposed services which encourage them to visit the Outer Harbour, such as the large engine repair centre proposed by the THC on the adjacent main land, or reducing to a minimum the number of fuelling stations (i.e. from 2 to 1). Presently, the THC staff view the power boats and their attendant owners and guests as an important source of revenue in making the marina and marina centre a profitable operation. The generation of revenue is an important factor in all their development plans.

d) Property Taxes on Marina

I have consulted with the Commissioner of Finance concerning whether the THC would pay property taxes on the marina. The THC itself is exempt from property taxes. If the THC operates the marina, it is exempt from realty taxes. If any portion is leased to a private operator, however, that portion becomes liable for taxation. Business taxes would also only be paid if a portion of

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the marina is leased to a private operator, because business taxes are calculated as a proportion of realty taxes.

Conclusions

At the present time, the rezoning for Phase 1 of the Outer Harbour Marina (400 slips) is being considered. Even though Phase 1 of the marina is open and operating, connections to municipal services are contingent upon this rezoning being approved. There may be an opportunity to reconsider public access in the context of the rezoning for the entire 1200 slip proposal. However, once the Phase 1 rezoning is approved, the subsequent municipal servicing connections will be sufficient for the entire 1200 slip marina and associated facilities on the arm. Consequently, there may be little incentive for the THC to make design or operating changes in subsequent phases, once Phase 1 has been rezoned and the servicing connections approved.

The Land Use Committee on May 10, 1989 requested a "far more extensive proposal for public access be brought forward", before the Phase 1 rezoning was considered. In response, the THC Board has put forward exactly the same proposal that the Committee found unacceptable. I believe that there are opportunities to increase the degree of public accessibility on the marina arm.

Given the importance attached by Council to maintaining full public access to the water's edge, as expressed through the relevant policies of the Central Waterfront Plan, the negative aesthetic impact of gates at the base of each spine could be considered an acceptable tradeoff for achieving a greater degree of public accessibility on the marina arm. The perception of privatization of publicly created land which would result from fencing off the entire 39 acre marina arm would also be mitigated by Option 5.

I would thus conclude that a modified version of THC's Option 5 is a substantial improvement over the THC's proposal (Option 1). The Option 5 scenario involves 24 hour a day pedestrian access to the arm during boating season, access during daylight hours on a sign-in, sign-out basis in non-boating season, and individual gates at the base of each spine which are open during daylight hours in the boating season. No fences would be required around boat storage areas.

With respect to the other matters addressed in this report, it would appear that the number of power boats in the Outer Harbour can be reduced if the THC's cooperation can be secured, and that boat access through the Leslie Street Spit remains a possibility.

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Recommendation:

That this report be received for information.



Robert E. Millward
Commissioner

PL:jp

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Appendix A

A. Communication from the General Manager of the Toronto Harbour Commissioners dated May 23, 1989

By letter dated May 12, 1989, the Administrator of the Land Use Committee advised that the Committee wished to receive additional clarification and information from The Toronto Harbour Commissioners on various aspects of the Outer Harbour marina prior to further consideration of the rezoning by-law. I am pleased to provide the requested information herewith in the hope that City Council will then be in a position to adopt the zoning by-law at its June 1 meeting:

L.U.C. request No. 1

"That a far more extensive proposal for public access be brought forward and that no By-Laws be considered until this new proposal is considered by the Land Use Committee, it being noted that 24-hour and yearly public access would not apply to the wooden docks and slips and not apply to the boat storage area during the winter months."

THC response

The THC has proposed by letter dated May 10 that all areas of the Marina will be accessible to the public during daylight hours in the operating season from May 1 to October 31. We believe this proposal is preferable to the L.U.C. concept for restricted access to specific areas during all hours for the following reasons:

- a) The L.U.C. concept would require privatization of large areas of the Marina through the installation of unsightly and intimidating fences, locks, and signs at the spine entrances and around the boat storage areas.
- b) The L.U.C. concept would pose a safety risk for the public after dark and during the winter in view of the proximity of deep water and the remote location.
- c) The L.U.C. concept would create security problems similar to those experienced for years by T.H.C. Port Security at Tommy Thompson Park (arson, theft, vandalism, sexual assaults, vagrancy etc.). Metro Police report many vandalism and safety problems at Toronto Islands despite the absence of ferry service after 11 p.m.; provincial parks and conservation areas traditionally close after dark except for resident campers where camping facilities exist; other marinas surveyed either do not invite the public in (Port Credit) or

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privatize the docks (M.T.R.C.A., Ontario Place, Toronto Island, Spadina Quay).

In summary, we believe that the T.H.C. proposal for public access is user-friendly to the public during popular hours, providing an opportunity for the public to view boats and boating activity which did not previously exist, while protecting both the public and the marina users from safety and security problems after dark and during the winter months.

L.U.C. request No. 2

"To request the Commissioner of Planning and Development and the Toronto Harbour Commission to work together to develop a plan to reduce the use of motors and the speed of motor powered boats to a minimum in the Outer Harbour area and that this operational plan be brought forward to the Land Use Committee for its information."

T.H.C. response

As the agency responsible for and with considerable expertise in navigation matters, the T.H.C. already regulates speed limits in the waters under its jurisdiction. T.H.C. By-law No. 4 establishes a speed limit of 6 miles per hour within 200 feet of the shore and 11 m.p.h. within 500 feet of the shore, which covers all of the Outer Harbour.

The safety of marine navigation is based on the fundamental principle that it is the responsibility of the captain of the vessel to operate in a safe and responsible manner. This would include the use of the motor when wind conditions or marine traffic so dictate. Based on the T.H.C. staff's years of experience, it is our opinion that congestion will not reach unacceptable levels in the Outer Harbour, which for the vast majority of the season is used by only a handful of boats.

By comparison, the Inner Harbour is far more active, and yet it has not been necessary to legislate control over the variety of Inner Harbour uses which include Island ferries, tour and charter boats, lakers and ocean freighters, seaplanes, yacht club regattas, rowing shells, gondolas, and private boats. Nevertheless, the T.H.C. will be using the medium of its marina newsletter to remind marina users of the requirement to minimize conflict with other users of the Outer Harbour through the choice of the most appropriate route when accessing or exiting the Marina, and will be monitoring the situation closely.

L.U.C. request No. 3

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"To request the Commissioner of Planning and Development and the Toronto Harbour Commission to report on any and all alternatives that would permit boat access to the Marina from the east and which would prohibit or restrict access from the west."

T.H.C. response

As a result of the T.H.C.'s public consultation process, lakeshore access to the Marina via a channel cut through the Leslie Street Spit was one of the alternatives studied in detail during the feasibility and environmental impact review process in 1985/6. The option was rejected on environmental, economic, safety and aesthetic grounds as inappropriate for further consideration at that time.

Environmentally, the lakeside access option has many drawbacks:

- it would require extensive lakefilling.
- it would disrupt the existing Spit environment.
- the channel would require constant dredging due to its exposure.
- the proximity of the outfall of the Metro Toronto Sewage Treatment Plant could seriously degrade the water quality in the marina basin.

The continuation of vehicular access to the Spit would require either a high-level bridge over the new gap (estimated cost \$11 million) or a security fence along the east side of a new road on the existing breakwater, both of which would severely impact on the project's aesthetic appeal.

The cut-through entrance would be subject to extreme wind, wave and ice conditions. Boating safety could be compromised through forcing all craft entering/exiting the marina to face the open waters of the lake for the full outer length of the headland.

L.U.C. request No. 4

"To request the Commissioner of Planning and Development, in consultation with the Commissioner of Finance, to report on whether or not the Toronto Harbour Commission would pay property taxes on the Marina."

T.H.C. Response

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The lands of a harbour commission are exempt from taxation under section 3, paragraph 9 of the Ontario Assessment Act, unless leased to a tenant. This exemption was recently upheld by court judgements in 1984 (City of Hamilton vs. Hamilton Harbour Commissioners) and in 1985 (City of Windsor vs. Windsor Harbour Commission).

Other issues

Due to the inability of the Commissioners to obtain a building permit for the Phase 1 washroom building and a connection permit to City services, temporary arrangements have had to be made for washrooms, sewage collection and removal, and portable water supply at a cost to the Commissioners for this season alone of more than \$290,000 in capital and operating expenses.

Although the temporary facilities are designed to Ministry of the Environment standards and waste removal is performed by a contractor licensed by M.O.E. the inconvenience to the public using the marina is significant. It is difficult to explain to these members of the public why connections to proper City services are not available to them in a project undertaken by a public agency with the full knowledge of the City since 1984.

We would therefore urge City Council to **approve** the servicing connections at its meeting on June 1.

B. Communication from the General Manager of the Toronto Harbour Commissioners dated May 31, 1989

Further to my letter of May 23, 1989, this matter was discussed by the Commissioners at their meeting on May 30. The Commissioners have requested further reports from their officials on various aspects of the Land Use Committee's recommendations, which the Commissioners will be reviewing and discussing at their next meeting on June 20.

The Commissioners therefore request that City Council defer action on the Land Use Committee report until the Council meeting on June 29, 1989.

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Appendix B

Report to the Toronto Harbour Commissioners dated June 15, 1989, from their General Manager

The following reports dealing with various aspects of the Outer Harbour Marina are submitted in response to the Board's request at the last meeting:

1. Report from the Harbour Master dealing with channelization, speed limits, and boardsailing education.
2. Report from the Director of Property Operations on the implications of lakeside access to the marina.
3. Report from the Director of Property Operations on the implications of five different public access options. This review by our consultants confirms that the current T.H.C. proposal, Option 1, requires the least amount of fencing and security presence and would result in a far more enjoyable environment for the public than the other options.

On the further question raised about the liability of marinas to pay realty taxes, the assessment office confirms that under the Assessment Act:

- i) If the owner of the land and waterlots is taxable, then taxes are obviously payable.
- ii) If the owner is exempt from taxation, then taxes are only payable if the marina is leased to a private operator. In Hamilton, Windsor and Oshawa, the harbour commission operates the marina and therefore does not pay taxes. In Windsor, the harbour commission also leases a marina to a private operator who pays taxes.

Accordingly, if an exempt body operates a marina in Ontario, it continues to be exempt from taxation. If, however, an exempt body leases the marina to a taxable private operator, then realty taxes are payable.

1. Report on Outer Harbour - Regulation of Traffic

As business arising from the Board Meeting of May 30th, staff comment and reports were required in connection with the subject matter.

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I respond specifically to the following items:

Outer Harbour

1. Channelization in consultation with O.H.S.F. and boardsailors.
2. Speed limit enforcement strategy in consultation with the Metropolitan Toronto Police Marina Unit.
3. Strategy for educating boardsailors about safety.

The overall purpose of these matters is to maintain and improve the safe operating conditions of the Outer Harbour, where a continuous and greater demand for recreational use of waters prevail. I do not consider that present conditions impede safe navigation and, furthermore, seaplane landings have been drastically reduced and no longer pose a problem to small craft.

1. Channelization - By which, I understand to mean, the establishing of a buoyed channel into the Marina and the allocation of sections of the Outer Harbour to specific types of sailing or boating activity.

First, my understanding of the legal position. It is important to recognize that by the common law arising from custom and usage, the public has the right of passage over navigable waters. This paramount right of navigation must be exercised reasonably and must not be abused to the detriment of others. This right can only be abridged by an Act of Parliament. A recent classical example of this is our By-law application, to designate the waters to the East and to the West of the Island Airport runway and to prohibit entry of a vessel into those waters. In this case, the public right of navigation in this small section of the Harbour, will be abridged by an action under our Toronto Harbour Commissioners' Act. The By-law application was made to reduce a major safety hazard to marine and air traffic an argument which, it is hoped, the Government will find sufficiently compelling to curtail the rights of our marine constituents.

To regulate and control designated uses of specific areas in the Outer Harbour, the Commissioners would have to follow the By-law route. I suggest to you that such applications, lacking as they must, the same intense and critical urgency of combined air and marine safety will have an adverse impact on the public and will not likely receive the consent of the Governor General in Council.

Without such designation of waters, we do not have the legal right to force all powerboats to confine passage to a buoyed channel or,

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for that matter, force all sail craft, which normally follow the wind, to use motors or sail only within prescribed areas.

In a practical sense, the person controlling a craft must do so in accordance with the Collision and Harbour Regulations, but the course of action taken will depend on weather and sea. Such conditions will obviously differ from day to day and a buoyed channel will tend to concentrate traffic in one area and, will likely create unnecessary and unwelcome localized congestion. I would recommend against establishing such a route until we have completed our water usage study and determined, by analysis, the traffic patterns and what action has to be taken in the interests of safe navigation. I do not believe that the Outer Harbour will likely become as crowded as the Inner Harbour, which attracts transit traffic and visitors to the Islands and, is the location of major sail, racing and training courses.

Inner Harbour activity has not required constant control and is, in part, regulated only by our approval procedure for racing and voluntary co-operation between the users of Toronto Bay. I suggest to you that a voluntary co-operative programme for the Outer Harbour, together with the strategic development of the areas, beaches, etc. conducive to board and dinghy sailing, is the best way to ensure that our community can share and enjoy the waters. I would rather co-operate than regulate, and this approach will be discussed during a meeting with the Outer Harbour Sailing Federation, on the evening of Wednesday, June 14th.

2. Speed Limit Enforcement - As you know, the T.H.C. By-law No. 4 established speed limits are 6 m.p.h. within 200 feet or 500 feet from the shore and 11 m.p.h. in Toronto Bay. All operators of powerboats have or should have passed our examination which, in part, includes a knowledge of the speed limits.

Posting of speed limits should be done when practical at the Marina site and other prominent areas, to inform casual visitors and remind the regulars. I have discussed traffic speed with the Marine Police and that Unit advises that it will increase radar monitoring of craft, including boardsailors in the Outer Harbour.

3. Safety - The nub of this problem is the boardsailor who is not a member of a recognized boardsailing club or sailboard rental customers. This type of sailor car-tops the sailboard to say Cherry Beach and, as is his/her right, just sails from the shore. A lifeguard is on station, but while this tends to prevent unsafe acts or rescue those who are in trouble, it cannot be recorded as an educational programme on safety.

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Unlike the Toronto Board Sailing Club whose lease with us requires safety measures, or the rental operation on the Eastern Beaches where fundamental safety rules are taught and performance monitored by a safety patrol boat, the independent sailor has no contact with any controlling agency.

Given the circumstances, I suggest that the realistic approach to boardsailing safety is act in co-operation with the various policing and park authorities to try and confine public boardsailing to specific beaches and, establish information and safety demonstrations in those areas.

At this time, the Canadian Yachting Association have a Boardsailing Safety Patrol Programme, which has not been effective in Toronto. The Ontario Sailing Association has a mobile unit teaching surface safety at various clubs and high schools and could be a useful educational tool on the beaches.

The Metropolitan Toronto Police Unit, assisted by the growing Coast Watchers Service respond to rescue, but do not have a formal safety course available to the public.

We have, as you know, about 20 miles of shoreline in our harbour fronting on an area with millions of people. We cannot hope to effectively ensure safety training on such a broad front. We can sponsor and encourage boardsailing safety instruction at our Marina centre and other selected locations in conjunction with police parks, boardsailing clubs and Ontario Sailing Association. This could lead to an approved type of clinic to produce safety instructors and evaluation officers qualified to National Standards.

2. Report on Outer Harbour Marina - Lakeside Access

It has been suggested that access to the Commissioners Outer Harbour Marina should be directly to Lake Ontario via a new entrance cut through the Leslie Street Spit to the East. This suggestion is based on the unsubstantiated assertion that marina traffic through the Outer Harbour will result in unacceptable congestion.

Our studies and observation over the past decade indicate that the Outer Harbour has been relatively under utilized compared to the rest of the Toronto Waterfront and that traffic generated by the Outer Harbour Marina will not result in unacceptable congestion in the Outer Harbour.

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Random observations of boating activity in the Outer Harbour on Saturday June 3, 1989 between the hours of 12 noon and 2:30 p.m. revealed the following:

- Weather sunny and warm with moderate wind
- Approximately 20 boats left the marina of which approximately half were powerboats (8 boats per hour)
- All boats moved slowly within speed limits
- Outer Harbour not at all congested
- The Inner Harbour and Lake Ontario south of the Toronto Islands were very busy

Similar random observations of boating activity in the Outer Harbour on Sunday, June 4, 1989, between the hours of 1 p.m. and 9 p.m. revealed that the greatest level of activity occurred at mid afternoon and consisted of 26 sails (windsurfers and dinghies), 10 canoes and 5 large boats (sail and power). It is interesting to note that the only boats that appeared to be moving at speeds in excess of the speed limit were the windsurfers rescue boat and a Metro Police Marine Unit outboard patrol boat. No congestion or conflict of uses was observed.

We are currently seeking proposals from consultants to conduct a detailed study of water surface utilization in the Outer Harbour this summer. This study will determine if there is a real potential for congestion problems in the Outer Harbour.

Our studies of similar sized marinas (Port Credit) and our review of published studies of similar sized marinas in North America indicate that very seldom are more than 25 percent of the boats in a marina out on any given day and that the arrivals and departures are relatively evenly distributed over a long period so that arrivals and departures very seldom exceed more than 30-40 boats per hour in good boating weather.

Our Outer Harbour Marina Planning Study and Environmental Review along with subsequent design studies have identified the following negative impacts that would result from Lakeside Access:

(1) Physical

- (a) The Lakeside Access option studied would require at least 500,000 m³ of addition Lakefill.

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- (b) Approximately 200,000 m3 of capital dredging and 30,000-40,000 m3 per year of annual maintenance dredging would be required.
- (c) A substantial entrance protection breakwater structure would have to be routed through the marina basin from lake wave and ice damage.
- (d) Tommy Thompson Park traffic and services would have to be routed through the marina with increased cost as well as congestion and safety/security problems. The alternative would be a high level bridge on the spit road at a cost of several million dollars. The present marina layout separates marina and Tommy Thompson park traffic.

(2) Property

- (a) Lakeside Access would require the transfer of ownership of large amounts of M.T.R.C.A. land to T.H.C and complex right of way and access agreements for Tommy Thompson park would be required.
- (b) Park traffic and Marina traffic would be routed through the T.H.C. Industrial Park with resulting conflicts.

(3) Environmental and Safety

- (a) Lakeside Access would expose the marina entrance to extreme wind and wave conditions that result from easterly storms. The open fetch of Lake Ontario to the east and south east is over 120 miles. Wave action and water surge in the marina would result in uncomfortable conditions in the summer and ice damage in the winter.
- (b) Weather conditions in the lake would quite often prevent small boats from going out. The current layout allows small boats direct protected water access to the Inner Harbour and Toronto Islands when conditions in the Lake are unsafe.
- (c) Navigating a narrow channel in extreme conditions of wind and waves requires excellent seamanship and would be considered unsafe for most recreational boaters.
- (d) The Metropolitan Toronto Ashbridges Bay Sewage Treatment Plant outfall discharges partially treated sewage into the Lake immediately east of where the marina entrance would be located. Water quality inside the marina would suffer greatly. Our studies indicate that water quality

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and circulation in the Outer Harbour is excellent and that the marina will not create unacceptable water quality or circulation problems.

4. Convenience and Marketing

Our studies indicate that the majority of marina tenants would be seriously inconvenienced by losing direct access to the inner harbour and Toronto Islands. The trip around the end of the headland in good weather would add as much as one hour to the time required to access the Inner Harbour.

In conclusion, I would strongly recommend that the entrance to the Outer Harbour Marina would remain through the Outer Harbour as currently designed. Should a real congestion problem be identified in the future, the relocation of the marina entrance could be considered.

3. Report on Outer Harbour Marina - Public Access Issues

When considering public access to a full service marina the following issues must be considered in some detail:

- 1) Safety of Marina Tenants, Family and Guests - The marina tenants, their family and their guests should be able to move freely between their boats, the washrooms, their automobiles and their friend' boats at any time of the day or night without fearing for their own personal safety.
- 2) Public Safety - If the public, who are generally unfamiliar with marina operating procedures and safety hazards, are invited onto the marina site (private property), the Toronto Harbour Commissioners assumes some responsibility for their safety and well being.
- 3) Protection of marina tenants' boats and other property, including the property of invited guests, from theft and vandalism.
- 4) Preservation of facility standards including washrooms, garbage and trash, parking capacity and recreational facilities (tennis, swimming and lawn games, etc.)
- 5) Toronto Harbour Commissioners Liability exposure - When you operate a marina you are in effect contracting to store very expensive property and as a result you assume some responsibility for its security.

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- 6) Aesthetics and flexibility of site utilization can be negatively impacted by fences, barricades, gates and vehicle/pedestrian control structures to control public access.

We have prepared five different public access options to illustrate some of the issues involved.

Option 1 - Original Design

This option provides the fencing entrance gate and control structures to secure the whole marina arm. It is also the option required to allow daylight public access during the boating season.

Chainlink Fencing Costs	\$16 - 19,000.00
or Speciality Fencing Costs	\$ 108,500.000
Annual Security Costs	\$ 260,000.00

Option 2

This option involves constructing a security fence along the south side of the marina access road for the full length of the marina arm including 10 electronically controlled access gates. The land to the north of the road could then be leased to the City Parks Department for a nominal rental to be operated and maintained by the Parks Department as a public park. The marina proper would remain secure as in Option 1.

Chainlink Fencing Costs	\$145 - \$165,000.00
or Specialty Fencing Costs	\$ 385,000.00
Annual Security Costs	\$ 260,000.00

Option 3

This option utilizes a combination of permanent and removable fences and control gates to provide different winter and summer security for the marina. It does not provide for significantly more public access except to parking and boat storage areas in the summer.

Chainlink Fencing Costs	\$302 - 352,000.00
or Specialty Fencing Costs	\$ 702,000.00
Annual Security Costs	\$ 502,000.00

Option 4

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This option utilizes permanent fencing to secure the marina docks and washrooms only. The parking, boat storage and recreational areas are open to public access.

Chainlink Fencing Costs	\$179 - 195,000.00
or Specialty Fencing Costs	\$ 457,000.00
Annual Security Costs	\$ 520,000.00

Option 5

This option utilizes access control gates at the ramp to each floating dock spine and controls access to the floating docks only. It allows public access to all of the bulkhead wall moorings, washrooms, parking lots and recreational spaces.

Chainlink Fencing Costs	\$160 - 112,000.00
or Speciality Fencing Costs	\$ 235,000.00
Annual Security Costs	\$ 520,000.00

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Cost Estimate Summary for Fencing Options

Job No. 8850AA

Date: June 13, 1989

	Option One	Option Two	Option Three	Option Four	Option Five
2.4M					
Chain Link	18,884,80	164,511.78	334,072.30	194,618.16	111,987.46
Panel (Temp)	0	0	17,712.00	0	0
1.8M					
Chain Link	17,854.19	154,048.06	312,169.66	191,238.67	109,428.00
Panel (Temp)	0	0	15,450.00	0	0
1.2M					
Chain Link	16,768,06	144,494.86	288,919.42	178,765.06	106,878.46
Panel (Temp)	0	0	13,350.00	0	0
Specialty Panel Fencing &/or Structure	108,523.00	384,484.08	701,754.00	456,640.80	235,173.66

*All totals are as shown on cost estimates and include contingency.



City of Toronto

Department of
Parks and Recreation

Herb Pirk

COUNCILLOR

Re: Clause 1 of Land Use Ctr Report No 15

HAND DELIVERED

June 29, 1989

Councillor Betty Disero
Chair
Toronto Harbour Commissioners
Council Members' Office
2nd Floor
City Hall

Dear Councillor Disero:

Re: Phase I Outer Harbour Marina Access

In your June 22, 1989 letter to me you requested my comments on public access options to the Marina. Councillor Nowlan also requested my comments and I am copying my response to her.

Generally, I favour maximizing public access to the Marina Spit on a daily and year-round basis. For Phase I, I recognize certain security arrangements may be required. Physically, Option One would place a security fence and gate at the entrance to the Marina Spit as would Option Five, but Option Five also places security gates at the entrance to each floating dock.

Times of access proposed for Option One are the beginning of May to the end of October, during daylight hours. For Option Five, 24-hour access would be provided to the spit from the beginning of May to the end of October, but no access would be permitted to the floating docks.

In my view, public access should be free and uninterrupted to the extent possible for a season that would extend beyond May to October, especially during daylight hours.

If modified to permit off-season access, for Phase I either Option One or Option Five would provide a balance between reasonable public access and appropriate security.

21st Floor, East Tower
City Hall
Toronto, Ontario
M5H 2N2

Please contact
Susan Richardson

Telephone
392-7257

31(d)



City of Toronto
Department of
Parks and Recreation

Councillor Betty Disero
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The issue of public access to the rest of the spit should be addressed in a comprehensive proposal which also provides for public parks and recreation facilities.

Yours truly,


Commissioner
Parks and Recreation

 KC
SR

cc: Councillor Nadine Nowlan



THE TORONTO HARBOUR COMMISSIONERS

Betty Disero, Chairman
Frank R. Smith, Vice-Chairman
John D. Herrick
Nadine Nowlan
Jack Layton

I.C.R. Brown, General Manager

60 Harbour Street, Toronto, Ontario
Cable: 'Toronto'
Telephone: (416) 863-2000

MSJ 187
Tel: 06 219888
Facsimile: (416) 863-4830

31 (e)

In reply refer to file no. _____

June 29, 1989

VIA TELEFAX

Ms Betty Disero
Chairman
City Councillor
CITY HALL
TORONTO, Ontario

Dear Chairman Disero:

This letter will serve as a written acknowledgement that the Outer Harbour Marina complies with recommendations (b), (c), (d) and (e) as set out in the Land Use Committee Report No. 15 for consideration at today's City Council meeting.

Yours very truly,

Anne E. Gowan

Anne E. Gowan
Executive Assistant
General Manager's
Office

