

TORONTO STAFF REPORT

September 27, 2006

To: City Council

From: Chief Planner and Executive Director, City Planning

Subject: Further Report

Proposal to amend Zoning By-law 438-86 and modify the Central Waterfront Secondary Plan for the Lands between Lower Jarvis Street and Small Street to the south of Lake Shore Boulevard East, Report 7, Clause 17

Applicant: City Of Toronto

06-160461 SPS 00 TM

Ward 28 - Toronto Centre-Rosedale

Purpose:

This report responds to the motions passed by Toronto and East York Community Council at its meeting on September 13, 2006 and recommends changes to the Central Waterfront Secondary Plan and the proposed zoning by-law amendments to By-law 438-86 for the East Bayfront (West Precinct - the lands between Lower Jarvis Street and Small Street to the south of Lake Shore Boulevard East) after further consultation with residents and various landowners in the immediate area.

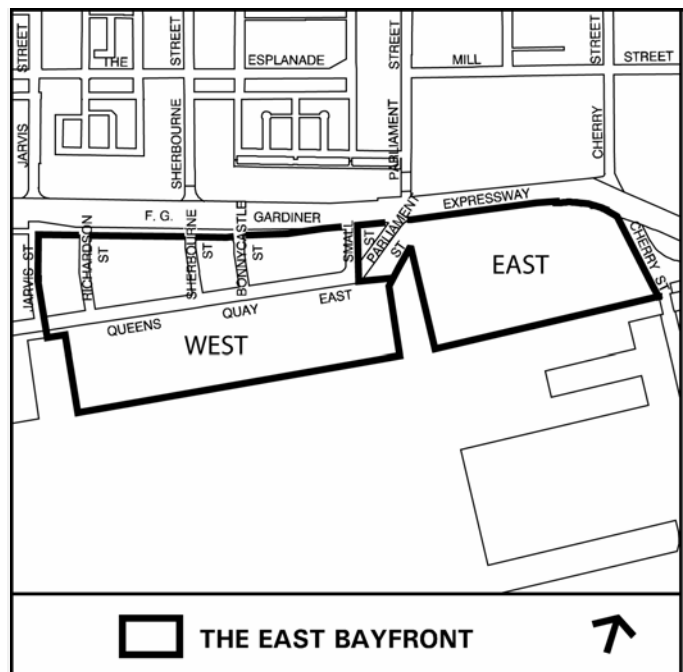
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) approve the modification of the Central Waterfront Secondary Plan, Map C and Map E, Section 2.6 and Schedule A, substantially in accordance with the Maps C and E in Attachment 1, modifications to (P51), Section 2.6 of the Central Waterfront Secondary Plan and the revised Schedule A in Attachment No. 1;



- (2) amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft zoning by-law amendment in Attachment No. 2;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan modification and/or draft zoning by-law amendment as may be required;
- (4) at the request of landowners whose properties abut the Lake Shore Boulevard East/Gardiner Expressway corridor and subject to a final design decision on the function of the Lake Shore Boulevard East/Gardiner Expressway corridor, a review of the Precinct Plan and zoning may be undertaken on the understanding that the costs associated with this work will be borne by the applicant(s) and that the final results of the review will be based on no inferred density or be “density neutral” and will address primarily issues of the impact of such changes on the permitted built form and uses of the adjacent development;
- (5) authorize the Chief Planner and Executive Director, City Planning to undertake community consultation on the design guidelines for the East Bayfront – West Precinct area and report back to Council in early 2007 on the results of this work;
- (6) authorize the City Solicitor to seek approval of the Central Waterfront Secondary Plan with respect to the East Bayfront – West Precinct with modifications as may be appropriate in accordance with Recommendation 1 of this report and with the material presented in this report;
- (7) direct the Chief Planner and Waterfront Project Director, in conjunction with the Toronto Waterfront Revitalization Corporation, to bring forward a report to Council addressing public sector strategies to ensure the continuing supply of affordable rental housing in East Bayfront beyond the minimum 25 year stipulation required in the by-law for landowners who elect to provide the 20% affordable rental housing on their site;
- (8) recommend to the Toronto Waterfront Revitalization Corporation, the establishment of a Waterfront Affordable Housing Task Force, focused on strategies to realize the Waterfront’s affordable housing objectives with membership comprised of representatives from the federal and provincial government partners, the relevant City departments including the City’s Affordable Housing Office, Toronto Community Housing Corporation, non-profit sector and local community;
- (9) direct the Chief Planner and Waterfront Project Director, in conjunction with the Toronto Waterfront Revitalization Corporation, to bring forward a report to Council addressing public sector strategies to encourage private development in East Bayfront to exceed the LEEDS Silver Certification requirement in the by-law; and
- (10) recommend that no further notice be given in respect to the amendments to Zoning By-law 438-86 for the former City of Toronto recommended herein.

Comments:

At its meeting on September 13, 2006 Toronto and East York Community Council requested staff to undertake the following:

- (a) amend the introductory paragraph of Clause (w)(ii) contained in Attachment 2: Draft Zoning By-law East Bayfront – West Precinct to include the word “minimum” in terms of the LEED Silver Certification requirement;
- (b) direct the Director, Community Planning, Toronto and East York District to meet with the West Don Lands Committee and the Gooderham and Worts Neighbourhood Association to address their concerns regarding sustainable and affordable housing targets;
- (c) requested the Director, Community Planning, Toronto and East York District, in consultation with appropriate City staff, to report to City Council on September 25, 2006 on a process framework on the resolution of noise issues, litigation issues, and other issues raised in the communication (September 12, 2006) from James W. Harbell, Stikeman Elliott; and
- (d) requested the Director, Policy and Research, City Planning Division, in consultation with the Toronto Waterfront Revitalization Corporation, to report to City Council on September 25, 2006 on how to protect or preserve archeological resources in the Toronto Waterfront;

Community Consultation on Affordable Housing and other Public Benefits

A meeting was held with representatives of the West Don Lands Committee and the Gooderham and Worts Neighbourhood Association to listen to their concerns related to the provision of affordable housing and sustainability as proposed in the draft by-law. It is recognized that there are valid concerns respecting the term for the provision of affordable housing within the Central Waterfront and the overall amount of affordable housing that is being achieved city-wide. It is also recognized that the residents, the City and the Toronto Waterfront Revitalization Corporation (TWRC) share the objective of ensuring that new development within the Central Waterfront be designed to be as environmentally sustainable as possible. City and TWRC staff and representatives had a fulsome discussion regarding these issues and a process was suggested to continue to work on these issues with the goal of reporting on how a higher standard of achievable results might be realized. This has resulted in three additional recommendations (Nos. 7, 8, and 9) which respond to the issues raised by the community and will require staff to report back on these issues.

Preservation of Archaeological Resources within the Central Waterfront

Issues were raised at the Community Council meeting by two deputants respecting the preservation and interpretation of the Toronto waterfront's archaeological heritage. Community Council requested staff to report back to City Council on how to protect or preserve archaeological resources within the Toronto waterfront.

The Toronto Waterfront Revitalization Corporation (TWRC), in consultation with City Planning, is developing an Archaeological Interpretation and Management Strategy which will address the preservation of archaeological resources recovered during waterfront redevelopment and identify opportunities, constraints, and best practices for the preservation, interpretation, commemoration and exhibition of these resources.

The Archaeological Interpretation and Management Strategy will be completed by March 2007 which will be well in advance of any development applications considered by City Planning for the waterfront. The Strategy will therefore assist in ensuring that any significant archaeological resource found will be managed within a comprehensive archaeological management framework.

Resolution of issues raised in communication from James Harbell on behalf of Redpath Sugars

Redpath Sugars (owned by Tate & Lyle Canada Ltd.) is a long-standing industrial use on the City's waterfront to the west of the East Bayfront-West Precinct. The nature of their operations creates noise, vibrations, dust and air quality emissions on a 24 hour a day basis. Redpath has raised concerns regarding the maintenance of their operating abilities should they be in close proximity to sensitive uses (including residential uses) through the passing of the proposed by-law.

During the course of this study, there has been ongoing discussion with Redpath's representatives in an attempt to resolve outstanding issues related to the proposed rezoning of lands. As a result of these discussions staff are recommending a modification to the text of the Central Waterfront Secondary Plan (see Attachment No.1) and changes to the draft by-law for the East Bayfront-West Precinct (see Attachment No. 2) to formally recognize Redpath Sugars as an important feature of the Toronto waterfront, as well as to include in the draft by-law requirements for developers of sensitive land uses to bring forward studies recommending ways to deal with the issues of noise, emissions and vibration to ensure that the potential development does not negatively impact Redpath's ability to continue operations. It is also important that this work be undertaken to ensure an appropriate environmental standard for new residents to the community. It should also be recognized that these changes address issues related to all of lands within the East Bayfront – West Precinct, but that the most impact from Redpath will be on the lands closest to their plant. In considering these issues it should be recognized that at the moment there is an intention to develop at least some of the most affected city-owned lands for employment related uses, but that the details of such proposals are potentially subject to change. Staff have worked hard to ensure that these standards will provide a workable process for approvals respecting the lifting of the "h" or holding provisions and to ensure that the final built form of such development will provide appropriate living conditions. This has been undertaken

in concert with representatives of Redpath Sugars and the proposed changes have been distributed to landowners within the area.

The recommended changes to the draft by-law as presented to the Toronto and East York Community Council include a definition of “sensitive land uses” and the provision of a 30 day opportunity for Redpath Sugars to review the noise, emissions and vibration studies prior to Site Plan approval. Should Redpath Sugars at that time have comments on these studies, staff would append their comments to the staff report on any Site Plan approval. The amended by-law would also impose restrictions on particular uses on the public lands adjacent to the Jarvis slip.

Other Minor Changes to the Draft Zoning By-law

Further review of the proposed amendments to By-law 438-86 have resulted in the recognition of a need to ensure that any of the “bump ups” permitted within Areas ‘A’ and ‘B’, as indicated on “Map 1 Heights Plan with Exception Areas”, would be set back a minimum of 15 metres from any side lot line. As there is a mandatory separation distance between these “bump ups” of 30 metres, this would ensure that where there are any abutting properties within the same block front neither property would infringe on the development rights of the other due to the placement of such “bump ups”.

In addition and for further clarification, the permission for the continuation of existing uses and minor expansion of these uses within CR districts subject to a “h” holding symbol should also apply to those areas proposed to be zoned G, until such time as there is an approved development for the lands in question. This would clarify that the intent is to allow owners of such lands to be able to carry on business and allow for modest expansion until such time as development is approved.

Conclusions:

Over the course of the last several days there has been ongoing negotiation with landowners and residents within the area in an attempt to resolve outstanding issues and minimize objections to the by-law in an attempt to work proactively in resolving appeals to the Ontario Municipal Board on the Central Waterfront Secondary Plan and the proposed by-law. It is hoped that these modifications will result in the recognition by the parties concerned that there has been a spirit of

cooperation in an attempt to achieve a workable document that will ensure good development within the waterfront and realize the goals of all three governments.

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List of Attachments:

Attachment 1: Draft Official Plan Modifications

Attachment 2: Draft Zoning By-law Amendment for the East Bayfront – West Precinct

Attachment 1: Draft Official Plan Modifications

Draft Central Waterfront Secondary Plan Modifications

Revised Maps for the Central Waterfront Secondary

Map C Parks and Open Space Areas Plan

Map E Land Use Plan

Modifications recommended to the Central Waterfront Plan:

A new policy is added as follows:

(P51) The Tate & Lyle Canada Ltd. (Redpath) facility is an important feature of the Toronto Waterfront that should be maintained. It is a symbol of the waterfront's industrial heritage and an important employment generator. This Plan recognizes that this facility refines a significant amount of Canada's raw sugar and encourages its retention. Future developments should ensure there are no undue negative impacts on Redpath's activities as detailed in Section 2.6.1. In addition, Redpath should be consulted during the Site Plan Approval process for future developments and during the design process for public spaces in the vicinity of the Redpath property to ensure compatibility with its ongoing operations.

The existing Section 2.6 to the Central Waterfront Secondary Plan should be deleted and substituted with the following text:

2.6 Holding By-laws

In order to provide for the orderly development of lands in the Central Waterfront, to secure professional or technical studies to assess potential development impacts, to address issues of environmental sustainability, and good design as well as issues of soil remediation, flood control, infrastructure requirements and servicing as well as to ensure an equitable sharing of associated costs, Council may enact zoning by-laws pursuant to Sections 34 and 36 of the *Planning Act* with an "h" holding symbol. After the necessary studies, plans and other matters specified in the zoning bylaw have been provided and/or secured through an agreement or agreements entered into pursuant to Sections 37, 41, 51 and/or 53 of the *Planning Act*, as appropriate, the holding symbol may be removed.

2.6.1 Holding Provisions Related to Existing Use Areas

In addition to the matters specified in Section 2.6, where residential uses, child care centres, primary schools, secondary schools, community/recreational centres, nursing homes, hotels, private and commercial schools or other quasi-residential and/or institutional uses are proposed on lands located in East Bayfront, south of Lake Shore Road East and west of Lower Parliament

Street and East of Lower Jarvis Street, the holding symbol may be removed after Council is satisfied, having had regard for applicable environmental guidelines, that compatibility will be achieved between any proposed land use and lands designated as Existing Use Area (even if external to East Bayfront) with regard to noise, vibration, dust and air quality so as to:

- (i) minimize the adverse impact from the proposed land use on lands designated Existing Use Area; and
- (ii) minimize the adverse impact on the new land use from lands designated Existing Use Area.

Schedule A

The existing Schedule A to the Central Waterfront Secondary Plan should be deleted and substituted with the following schedule:

Schedule A

Proposed Rights-of-Way (ROW) for Major Roads

Roadway ⁽¹⁾	From	To	ROW	Streetcar in own ROW
Bayview Av	Mill St	Queen St E	30 m	No
Basin St (new)	Cherry St	Carlaw Av (new)	26 m	No
Broadview Av (new)	Commissioners St	Eastern Av	32 m	Yes
Carlaw Av (new)	Unwin Av	Commissioners St	26 m	No
Cherry St	Eastern Av	Front St E	36 m	Yes
Cherry St	Front St E	Mill Street	35 m	Yes
Cherry St	Mill St	CN Railway Corridor	varies	Yes
Cherry St	CN Railway Corridor	Unwin Av	40 m	Yes
Commissioners St	Cherry St	Leslie St	40 m	Yes
Don Roadway	Lake Shore Blvd E	Commissioners St	30 m	No
Don Roadway (new)	Commissioners St	Unwin Av	40 m	Yes
Dufferin St (new)	Front St W (new)	Lake Shore Blvd W	30 m	Yes
Front St E	Trinity St	Cherry St	30 m	Yes
Front St E	Cherry St	a point 70 m east of Cherry St	20 m	No
Front St E	a point 70 m east of Cherry St	Bayview Av (new)	42 m	No
Front St W (new)	Bathurst St	a point 170 m east of Strachan Av	33 m	No
Front St W (new)	a point 170 m east of Strachan Av	Dufferin St	27 m	No
Leslie St	Commissioners St	Lake Shore Blvd E	40 m	Yes
Lower Jarvis St.,	Lake Shore Blvd. E	Queens Quay E	26 m	No
Lower Sherbourne St	Lake Shore Blvd. E	Queens Quay E	26 m	No

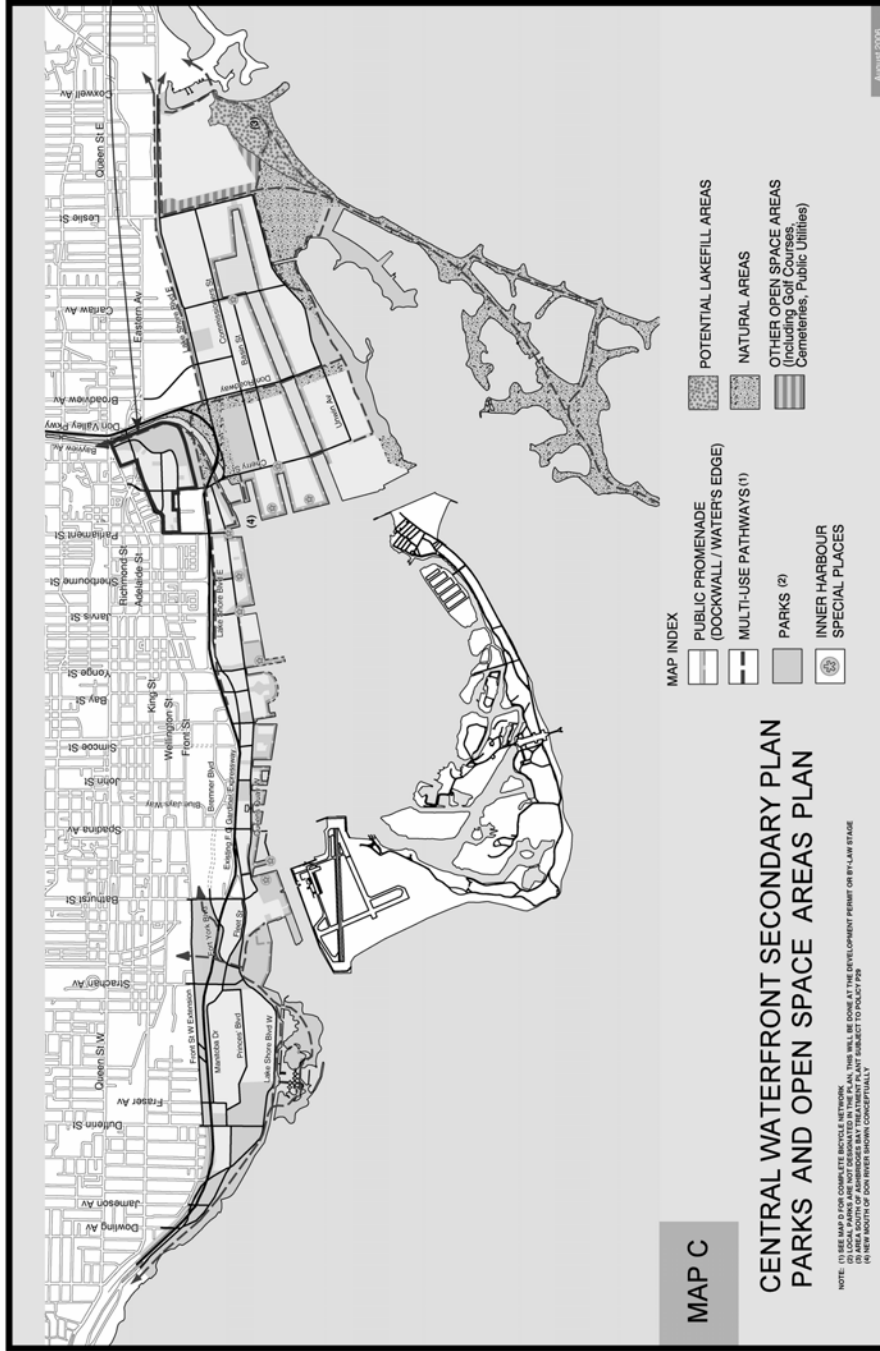
Roadway ⁽¹⁾	From	To	ROW	Streetcar in own ROW
Manitoba Dr (new)	Strachan Av	Fraser Av (new)	Varies	Yes
Mill St	Cherry St	Bayview Av (new)	25 m	No
Parliament St	King St E	Front St E	Varies	Yes
Parliament St (new)	Lake Shore Blvd E	Queens Quay E	24 m	No
Princes' Blvd (new)	Saskatchewan Rd	Manitoba Dr	45+ m	No
Queens Quay E	Yonge St	Cherry St	40 m ⁽²⁾	Yes
Strachan Av	Lake Shore Blvd W	Front St W (new)	30 m	No
Unwin Av (new)	Cherry St	Leslie St	40 m	Yes
Yonge St	Queens Quay	Lake Shore Blvd	30 m	No

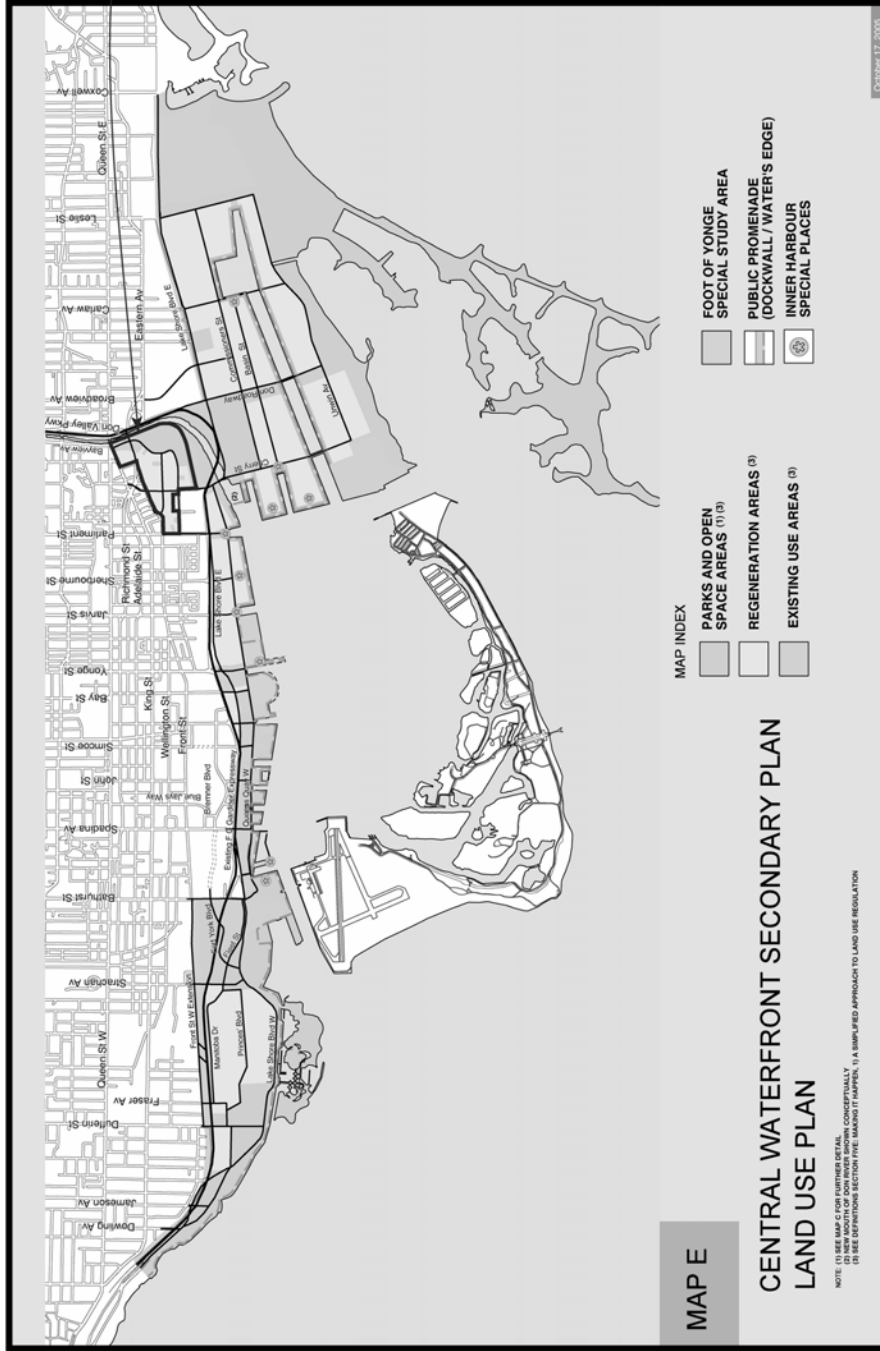
(1) Existing or currently planned roads (e.g. Bremner Boulevard) that are not listed in this schedule will maintain current right-of-way designation.

(2) Does not include the existing rail spur line.

Notes:

- (a) Rights-of-way will be protected to accommodate road, transit, pedestrian and cycling requirements, as well as landscaping and other urban design elements.
- (b) The rights-of-way of local streets not listed above are to be addressed in conjunction with the subdivision planning process.
- (c) Council may require additional right-of-way widenings (e.g. at intersection locations) in order to accommodate appropriate design geometry.
- (d) Rights-of-way requirements may be amended in the future to take into account environmental assessments, detailed design work, plans of subdivision, as well as traffic and development needs.





APPROVED BY
ONTARIO MUNICIPAL
BOARD FOR
WEST DON LANDS



OMB EXHIBIT NUMBER

OMB No. PL030412 & PL030514 November 2005

Attachment 2: Draft Zoning By-law East Bayfront - West Precinct

Authority: Community Council Report No.7, Clause 16, as adopted by City of Toronto Council on September , 2006

Enacted by Council: September , 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

To amend By-law 438-86, of the former City of Toronto, as amended, respecting the East Bayfront – West Precinct.

WHEREAS Council at its meeting held on the day of September, 2006, adopted as amended Clause 16 of Toronto and East York Community Council Report No. 7.

WHEREAS this By-law is passed in implementation of the City of Toronto Secondary Plan for the Central Waterfront; and

WHEREAS authority is given to Council by Section 34 and 36 of the *Planning Act*, R.S.O. 1990,c.P. 13, as amended, to pass this By-law; and

WHEREAS pursuant to Section 37 of the *Planning Act*, Council may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law, in return for the provision of such facilities, services and matters as set out in the by-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Council of the City may in a By-law passed under Section 34 of the *Planning Act* authorize increases in height and density not otherwise permitted in the By-law in return for the provision of facilities, services or matters as are set out in the By-law;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 2(1) of By-law No, 438-86, being “a By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, is further amended by inserting after the definition of “*East Bayfront*”, the following:

“*East Bayfront – West Precinct*” means that part of the City of Toronto delineated by heavy lines and shown on the following map;

2. District Map 51G-312 contained in Appendix “A” of the aforesaid By-law No. 438-86, is hereby further amended by redesignating the lands delineated by heavy lines to “CR (h)” and “G” as shown on Map A attached hereto.
3. Height and Minimum Lot Frontage Map 51G-312 contained in Appendix “B” of the aforesaid By-law No. 438-86, is hereby further amended by designating the lands delineated by heavy lines as shown on Map B attached hereto.
4. Section 12(1)334 of the aforesaid By-law 438-86 is amended by adding the following:

“130 Queens Quay Boulevard East
143 Lake Shore Boulevard East”

5. Section 12(1) 426 of the aforesaid By-law 438-86 is amended by adding, following the phrase “*East Bayfront*”, the words:

“other than in the *East Bayfront – West Precinct*”.

6. Section 12(1) of the aforesaid By-law 438-86 is amended by adding the following exception:

(470) to prevent the erection or use of buildings or structures or the use of land in the *East Bayfront – West Precinct* in accordance with the following provisions:

Permitted Uses:

- (a) the following uses shall be permitted within a CR district:
 - (i) those non-residential uses permitted within a CR district in section 8(1)(f) (b), and subject to the qualifications in section 8(2) where applicable, except for an *automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop, class A, or commercial parking lot*;
 - (ii) a *district energy, heating and cooling plant*, a vacuum waste collection facility; and
 - (iii) those residential uses permitted within a CR district in Section 8(1)(f)(a), and subject to the qualifications in section 8(2) where applicable, provided that the owner of the *lot* elects to provide the facilities, services or matters referred to in paragraph (v) below and enters into the agreement(s) referred to in subparagraph (v)(v).

- (b) the following uses shall be permitted within a G district:
- (i) those uses permitted within a G district in section 5(1)(f);
 - (ii) within the areas shown as Area A and Area F on Map 3 those uses permitted within a G district and a Gm district in section 5(1)(f);
 - (iii) within the area shown as Area B on Map 3:
 - (A) those uses permitted within a G district and a Gm district in section 5(1)(f);
 - (B) patios and open air markets provided they are associated with the ground floor uses in abutting buildings;
 - (C) the structures listed in the column entitled “STRUCTURE” in the following Chart provided that they are associated with a building on a *lot* abutting Area A as shown on Map 3 and provided they comply with the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS”.

	STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	eaves or cornices	1.0 m into Area B	
B.	canopy	Not more than 2.0 m into Area B	Not above the second storey.

- (iv) within the area shown as Area C – Jarvis Slip Open Space on Map 3:
- (A) those uses permitted within a G district and a Gm district in section 5(1)(f); and
 - (B) those uses permitted within a CR district by subparagraph (a) herein, except *sensitive land uses*, provided that:
 - 1. a minimum of 3000 square metres of *publicly accessible open space* is provided within the combined Areas C and D shown on Map 3;
 - 2. no building exceeds 20 metres in *height*;
 - 3. ground floor uses in any building are restricted to *ground floor animation uses*; and

4. an 8 metre separation is provided at the ground floor level between any building within Area C and any building within Area D.
- (v) those uses permitted by paragraph 6(c)(i) and 6(c)(ii) herein.
- (c) where the zoning for a CR district is followed by an “h” holding symbol, permitted uses prior to the removal of the “h” shall be limited to the following:
 - (i) those uses and buildings existing on September, 2006, or an addition thereto not exceeding 100 square metres in *non-residential gross floor area* or 10% of the *non-residential gross floor area* existing on September, 2006, whichever is the greater;
 - (ii) any use permitted within a CR district by subparagraph (a) herein, with the exception of *sensitive land uses*, within a building existing on September, 2006, or an addition thereto not exceeding 100 square metres in *non-residential gross floor area* or 10% of the *non-residential gross floor area* existing on September, 2006, whichever is the greater, and
 - (iii) a *commercial parking lot*.

Maximum Height and Building Envelope:

- (d) maximum *height* shall be in accordance with section 4(2) except that buildings located within Area A, Area B and Area C as shown on Map 1 may contain building components which exceed the permitted *heights* provided such building components:
 - (i) do not exceed a *height* of:
 - (A) the sum of 12 metres and the applicable *height* limit within Area A and B; and
 - (B) the sum of 74 metres and the applicable *height* limit within Area C;
exclusive of those rooftop structures and equipment as permitted by section 4(2)(a)(i) and (ii)
 - (ii) contain no floor having a dimension, measured between the exterior faces of exterior walls at the level of each floor, and including any balconies and other projections, which exceeds 40 metres in Area C;
 - (iii) in Area A are located a minimum of 15 metres from any *side lot line* and a minimum of 30 metres from any other such building component located on the same *lot*;

- (iv) in Area B are located a minimum of 5 metres from any *side lot line* and a minimum of 10 metres from any other such building component located on the same *lot*;
- (v) in Area A, Area B and Area C are set back a minimum distance from the exterior wall of the storey immediately below of:
 - A. 5 metres where such wall faces a *public park*, or Queens Quay East, or
 - B. 3 metres where such wall faces a *street* other than Queens Quay East.
- (vi) in Area A do not exceed a width of 20 metres, measured between the exterior faces of exterior walls at the level of each floor, along a line parallel to Queens Quay East, and a maximum depth of 40 metres;
- (vii) in Area B do not exceed a width of 20 metres, measured between the exterior faces of exterior walls at the level of each floor, along a line parallel to Lake Shore Boulevard East, and a maximum depth of 40 metres;
- (e) Nothing in subparagraphs d(ii) and d(iii) shall apply to prevent components of a building located within Area B and Area C with *heights* as permitted by subparagraph d(i), provided:
 - (i) any components located within Area C above a *height* of 58 metres comply with subparagraph d(ii); and
 - (ii) the combined width of such components within one building above a height of 46 metres does not exceed 60 metres, measured between the exterior faces of exterior walls at the level of each floor along a line parallel to any *lot line* adjacent to a *street*.

Parking and Loading:

- (f) parking facilities shall be provided in accordance with section 4(5);
- (g) loading facilities shall be provided in accordance with section 4(8);
- (h) bicycle parking shall be provided in accordance with Section 4(13);

Residential Amenity Space:

- (i) *residential amenity space* shall be provided in accordance with section 4(12) except that:

- (i) the maximum amount of indoor *residential amenity space* which shall be required for any building is 300 square metres; and
- (ii) the maximum amount of outdoor *residential amenity space* which shall be required for any building is 300 square metres.

Build-To Lines

- (j) no building may be erected or used on a *lot* subject to *Build-to Line A* as shown on Map 4 unless:
 - (i) an exterior face of the building is located no more than 0.15 metres back from *Build-to Line A* between *grade* and a *height* of 12 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line A*; and
 - (ii) an exterior face of the building is located no more than 5 metres back from *Build-to Line A* between a *height* of 12 metres and a *height* of 36 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line A*.
- (k) no building may be erected or used on a *lot* subject to *Build-to Line B* as shown on Map 4, unless an exterior face of the building is located not less than 2 metres, and not more than 2.5 metres from *Build-to Line B*, between *grade* and a *height* of 18 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line B*;
- (l) no building may be erected or used on a *lot* subject to *Build-to Line C* as shown on Map 4 unless an exterior face of the building is located no more than 0.1 metres back from *Build-to Line C* between *grade* and a *height* of 18 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line C*;
- (m) no building may be erected or used on a *lot* abutting Lake Shore Boulevard East unless the exterior face of the building facing Lake Shore Boulevard East has a minimum *height* of 24 metres for a minimum of 85% of the length of the Lake Shore Boulevard East *frontage* of the *lot*;
- (n) notwithstanding paragraphs (k) and (l) above, belt courses, cornices, eaves, pilasters, sills may project into the area between an exterior face of a building and a build-to line;

- (o) for the purposes of paragraphs (j), (k) and (l) above, where the exterior building face includes a colonnade or an unenclosed balcony, such exterior face shall be deemed to include:
- (i) the open area between any columns; and
 - (ii) openings for any unenclosed balcony no greater than 5.0 metres in depth.

Setbacks:

- (p) no building or structure within a 40 metre *height* district may exceed 20 metres in *height* unless the portion of the building above such *height* is set back a minimum distance of 3 metres from the exterior face of such building which faces a G district or a *street*;
- (q) no part of any building or structure above *grade* may be located closer than 5 metres to *Setback Line A* as shown on Map 4;
- (r) no building or structure may be located within Setback Area B as shown on Map 4;
- (s) window separation requirements in section 8(3) PART II 1(a) and (c) shall apply;

Exception – Height, Building Envelope and Setbacks:

- (t) notwithstanding subparagraphs d(iv), (p) and (q) above, the types of structures listed in the column entitled “STRUCTURE” in the following chart are permitted in the setback area listed in the column entitled “LOCATION” provided they comply with the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS”:

	STRUCTURE	LOCATION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	eaves or cornices	- Setback Line A as identified in paragraph (q) - Areas identified in paragraph (p) - Areas identified in paragraph (d)(iv)	Not more than 1 m into the required setback area	
B.	uncovered platform	- Setback Line A as identified in paragraph (q)	Not more than 1.5 m into the required setback area	No more than 0.2 m above grade
C.	roof over a terrace	- Setback Line A as identified in paragraph (q)	Not more than 1.5 m into the required setback area	

	STRUCTURE	LOCATION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
D.	canopy	- Setback Line A as identified in paragraph (q)	Not more than 1.5 m into the required setback area	Not above the second storey
E.	bay window	- Setback Line A as identified in paragraph (q) - Areas identified in paragraph (p) - Areas identified in paragraph (d)(iv)	Not more than 0.75m into the required setback area.	Width not to exceed 3.0 m where the window meets the wall
F.	stairs	- Setback Line A as identified in paragraph (q)	Not more than 1.0 m into the required setback area.	
G.	balconies	- Setback Line A as identified in paragraph (q) - Areas identified in paragraph (p) - Areas identified in paragraph (d)(iv)	Not more than 2.0m into the required setback area.	

Ground Floor Animation Areas:

- (u) no building or structure on a *lot* subject to a Ground Floor Animation Area requirement as shown on Map 2 may be erected or used unless:
 - (i) least 70% of the length of the *frontages* identified as Animation Frontage and Animation Frontage – Colonnade Zone on Map 2 are used for no purposes other than *ground floor animation uses*;
 - (ii) no *dwelling units* are located on the ground floor of buildings or structures facing an Animation Frontage and Animation Frontage – Colonnade Zone as shown on Map 2; and
 - (iii) along those *frontages* shown as Animation Frontage – Colonnade Zone on Map 2, a continuous colonnade is provided having a minimum width of 3.5 metres and a minimum vertical clearance of 5 metres.

Section 37 Agreement:

- (v) pursuant to Section 37 of the *Planning Act*, the heights and density of residential development contemplated herein are permitted subject to compliance with all of the conditions set out above and in return for the provision by the owner of the *lot* of the following facilities, services and matters to the City at the owner’s sole

expense and in accordance with and subject to the agreement(s) referred to in subparagraph (v) below:

- (i) to secure the provision of local infrastructure improvements through one or a combination of the following:
 - A. to provide a contribution of \$69.86 per square metre of *residential gross floor area* towards local infrastructure improvements, to be paid prior to the issuance of the first above-grade building permit for the *lot* or for the portion of the *lot* being developed;
 - B. to undertake local infrastructure improvements in lieu of part or all of the contribution set out in subclause (i)(A), the value of which is to be determined by the City.
- (ii) to secure the provision of not less than 20% of the total number of *dwelling units* as new *affordable rental housing* through one or a combination of the following:
 - A. the provision and maintenance of new *affordable rental housing* on the *lot* for a term of not less than 25 years;
 - B. a dedication to the City of sufficient land for the purpose of constructing the new *affordable rental housing* on the *lot*; or
 - C. a cash-in-lieu contribution to the City in the amount of the value otherwise required by subclause B above, to be paid prior to the issuance of the first above-grade building permit for the *lot* or for the portion of the *lot* being developed.
- (iii) any development containing ownership *dwelling units* shall provide not less than 5% of all ownership *dwelling units* with the following size restrictions:
 - A. A maximum *residential gross floor area* of 46.5 square metres for *bachelor dwelling units*;
 - B. A maximum *residential gross floor area* of 60.4 square metres for a *one-bedroom dwelling unit*;
 - C. A maximum *residential gross floor area* of 79 square metres for *two bedroom dwelling units*;
 - D. A maximum *residential gross floor area* of 93 square metres for *three bedroom dwelling units*;
 - E. A maximum *residential gross floor area* of 120 square metres for a *two bedroom townhouse/stacked townhouse unit*; and

- F. A maximum *residential gross floor area* of 135 square metres for a three bedroom townhouse/stacked townhouse unit.
- (iv) in addition to the requirements of subparagraphs (i), (ii) and (iii), the owners of those areas shown as Area C on Map 1 convey land to the City for use as a public street, parkland or for other public open space purposes;
- (v) the owner of lands within the *East Bayfront – West Precinct* proposed for residential uses shall enter into one or more agreements with the City pursuant to section 37 of the *Planning Act* to secure the facilities, services and matters required by this paragraph and such agreements are to be registered on title, to the satisfaction of the City.
- (w) lands zoned with the “(h)” symbol shall not be used for any purpose other than as provided for in paragraph (c) above until the “(h)” symbol has been removed. An amending by-law to remove the “(h)” symbol in whole or in part shall be enacted by City Council when the implementation of the following conditions have been secured to the satisfaction of Council through the execution and registration on title of an agreement or agreements pursuant to Section 37, 41, 51 and/or 53 of the *Planning Act*, as appropriate:
- (i) A public art contribution in accordance with the City’s public art program of a value not less than 1% of the gross construction costs of all buildings and structures to be erected on the lot;
- (ii) The provision of sustainable development measures that, in the opinion of the City, would be sufficient to achieve a minimum of Leadership in Energy and Environmental Design (LEED) Silver Certification for all buildings and structures to be constructed on the lot. Although obtaining a minimum of official LEED Silver Certification is not required, the owner shall:
- A. prepare plans and reports to the satisfaction of the City, certified by qualified consultants and subject to peer review at the sole cost of the owner, that outline the manner in which the sustainable development measures are to be implemented, and the Owner shall develop the lot in accordance with such plans;
- B. make a LEED application and provide to the City a copy of the LEED application together with written confirmation that it has been submitted.
- (iii) The connection of all buildings to a district energy system and/or on-site renewable energy sources, if available at costs comparable to other energy sources;
- (v) The submission of Site Plan Application(s) for review and comment by the Toronto Waterfront Revitalization Corporation Design Review Panel;

- (vi) The provision of a *noise study* and detailed design plans in support of a Site Plan Application for any *sensitive land use*, which demonstrates that appropriate noise mitigation measures will be implemented. The *noise study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *noise study* shall be peer reviewed by the City and by *Redpath* should *Redpath* so choose. Upon request by *Redpath*, comments received from *Redpath* shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments;
- (vii) Inclusion of a provision in the agreement that the owner will undertake any required mitigation, attenuation or equivalent measures identified in the *noise study*, to the satisfaction of the City;
- (viii) Provision of a *vibration study* and detailed design plans in support of a Site Plan Application for any *sensitive land use* proposed within 75 metres of Queens Quay East, the rail spur or future transit line accommodating rail service to *Redpath* [distance measured property line to property line]. The *vibration study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *vibration study* shall be peer reviewed by the City and by *Redpath* should *Redpath* so choose. Upon request by *Redpath*, comments received from *Redpath* shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments;
- (ix) Inclusion of a provision in the agreement that the owner will undertake any required mitigation, attenuation or equivalent measures identified in the *vibration study*, to the satisfaction of the City;
- (x) The provision of an *emissions study* and detailed design plans in support of a Site Plan Application, for any *sensitive land use* within the East Bayfront – West Precinct area that are proposed to be located west of Lower Sherbourne Street and west of Street “B”. The *emissions study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *emissions study* shall be peer reviewed by the City and by *Redpath* should *Redpath* so choose. Upon request by *Redpath*, comments received from *Redpath* shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments;
- (xi) Inclusion of a provision in the agreement that the owner will undertake any required mitigation, attenuation or equivalent measures identified in the *emissions study*, to the satisfaction of the City;
- (xii) Inclusion of a provision in the agreement that the owner shall not request City Council to approve or grant any Site Plan Application for any development that will accommodate a *sensitive land use* until *Redpath* has

been given at least 30 days to review the *noise study*, *vibration study* and *emissions study*, in order to provide a response to the City.

- (xiii) Inclusion of a provision in the agreement that prior to the issuance of a Building Permit in respect of any building(s) that will accommodate a *sensitive land use* for which a *noise study*, *vibration study* or *emissions study* was undertaken, written confirmation(s) by appropriate qualified consultants will be submitted to the City that the builder's plans for such building(s) incorporate the architectural control measures required by such *noise study*, *vibration study* and/or *emissions study*, and that the City shall provide such confirmation(s) to *Redpath*.
- (xiv) The inclusion of the following specific warning clause (the "Warning Clause") in all offers of agreements of purchase and sale:

"Warning: This site is in proximity to the Tate & Lyle Canada Ltd. Refinery located at 95 Queens Quay Boulevard East (the "Redpath Facility") which operates 24 hours a day, 7 days a week. Various processes, shipping and receiving, and rail operations may either operate continuously or at any time of day or night. Activities may include: loading, unloading and repair of large tractor trailers or bulk bin trucks; loading, unloading and movements of railway cars along Queens Quay Boulevard; docking and unloading of ocean going ships; venting of steam; construction and repair; and operation of various sugar refining processes. In addition, there may be industrial odours emanating from the refinery from time to time. There may be alterations and/or expansions to the Redpath Facility in the future. Notwithstanding the inclusion of certain mitigation features within this development to lessen potential noise, odour and visual impact from the Redpath Facility, from time to time noise from the Redpath Facility is likely to be audible, odours may be unpleasant, and dust may be bothersome. Tate & Lyle Canada Ltd. advises that it will not be responsible for any complaints or claims arising from any of the activities at or relating to the Redpath Facility, property or operations thereon."
- (xv) The inclusion of the Warning Clause in any condominium disclosure statement applicable to all lands, or portion thereof, proposed to be developed with a *sensitive land use* and the condominium purchasers and their successors and assigns shall be advised of the Warning Clause in the Status Certificate (both for original and subsequent purchasers). Equivalent provisions are to be contained in any consent pursuant to Section 53 of the Planning Act;
- (xvi) A large area plan shall be displayed in the sales pavilion(s)/office(s) for any residential development, prominently identifying the *Redpath* facility.

- (xvii) In the case of the lands shown as Area E on Map 3, in addition to those matters set out in subparagraphs (w)(i) to (xvi) above, the owner shall prepare a conceptual design for a school, a community centre, associated open spaces and other potential uses to the satisfaction of the City and the relevant school board(s);
- (xviii) In the case of the lands known municipally in 2005 as 215 Lake Shore Boulevard East, in addition to those matters set out above, the owner shall submit and implement a management plan for conducting a Part 2 Archaeological Assessment satisfactory to the City; and
- (xix) In the case of lands within the *East Bayfront – West Precinct* proposed for residential uses, in addition to those matters set out above, the owner has elected to provide the facilities, services or matters referred to in paragraph (v) above and entered into the agreement(s) referred to in subparagraph (v)(v).
- (xx) The City shall provide *Redpath* with a copy of the final Agreement within 10 days of it being executed.

Definitions:

for the purposes of this exception:

“*affordable rental housing*” means rental housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation;

“*Build-to Line A*”, “*Build-to Line B*” and “*Build-to Line C*” means those *frontages* and setback lines respectively identified as Build-to Line A, Build-to Line B, and Build-to Line C on Map 4;

“*district energy, heating and cooling plant*” means a building or structure that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users;

“*emissions study*” means a study of all relevant emissions including dust, odour and air quality, prepared by a qualified air quality consultant, that makes specific recommendations for air quality mitigation features to be incorporated into the design of the development taking into account relevant Ministry of Environment guidelines and regulations;

“*ground floor animation uses*” shall have the same meaning as the expression *street-related retail and services uses*, except that, in addition to those uses listed in sections 8(1)(f)(b)(i), (ii) and (iv), an *artist’s or photographer’s studio*, or a *custom workshop* shall also be permitted;

“*noise study*” means a study of all relevant noise sources prepared by a qualified noise consultant that makes specific recommendations for noise mitigation features to be incorporated into the design of the development taking into account relevant Ministry of Environment guidelines regulations and relevant sections of the Toronto Municipal Code, including Chapter 591 or its successors.

“*publicly accessible open space*” shall have the same meaning as the term *common outdoor space*, except that such areas may be accessible from a *street*, or from the Waterfront Promenade shown as Area A on Map 3;

“*Redpath*” means the lands and premises known municipally as 95 Queens Quay Boulevard East, in the City of Toronto, owned and operated by Tate & Lyle Canada Ltd., its successors or assigns;

“*sensitive land use*” means a *hotel*, a *commercial school*, a *trade school* and all those uses permitted within a CR district in sections 8(1)(f)(a)(i) and (ii), and in section 8(1)(f)(b)(ii) and (iii), but does not include a fire hall, *performing arts studio*, police station, *a public art gallery or a public museum*;

“*Setback Line A*” means those *frontages* identified as Setback Line A on Map 4;

“*vibration study*” means a study of vibration from transportation sources, prepared by a qualified noise and vibration consultant, that makes specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing vibration in building(s).

7. Section 12(2) 270 is amended by adding the map attached hereto as Map C
8. Section 12(2) 311 is amended by adding, following the phrase “*East Bayfront*”, the words:

“other than in the *East Bayfront – West Precinct*”
9. Section 12(2) 312 is amended by adding, following the phrase “*East Bayfront*”, the words:

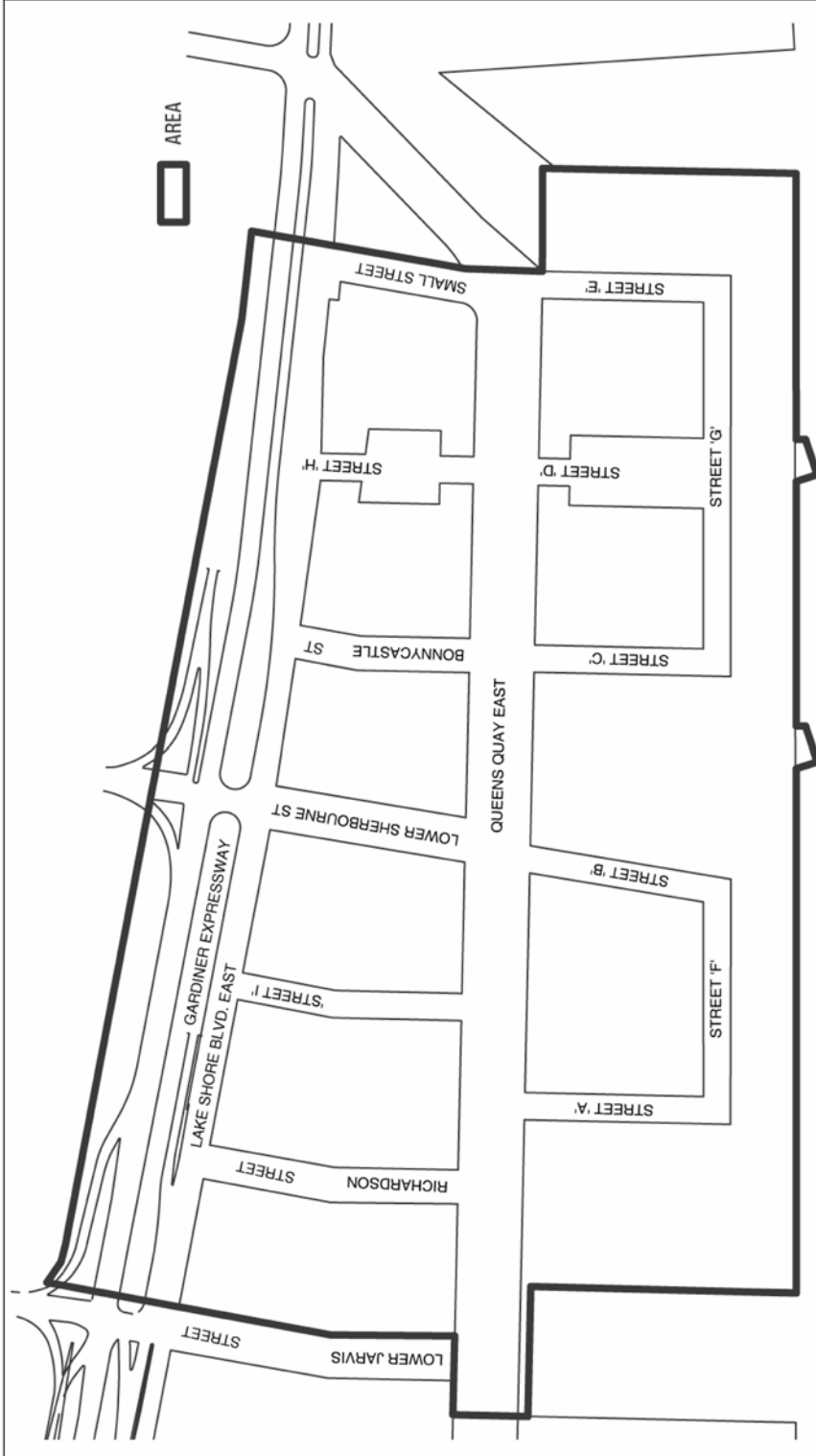
“other than in the *East Bayfront – West Precinct*”

ENACTED AND PASSED this day of September, A.D. 2006.

DAVID R. MILLER,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk



Area Referred to as "East Bayfront - West Precinct"

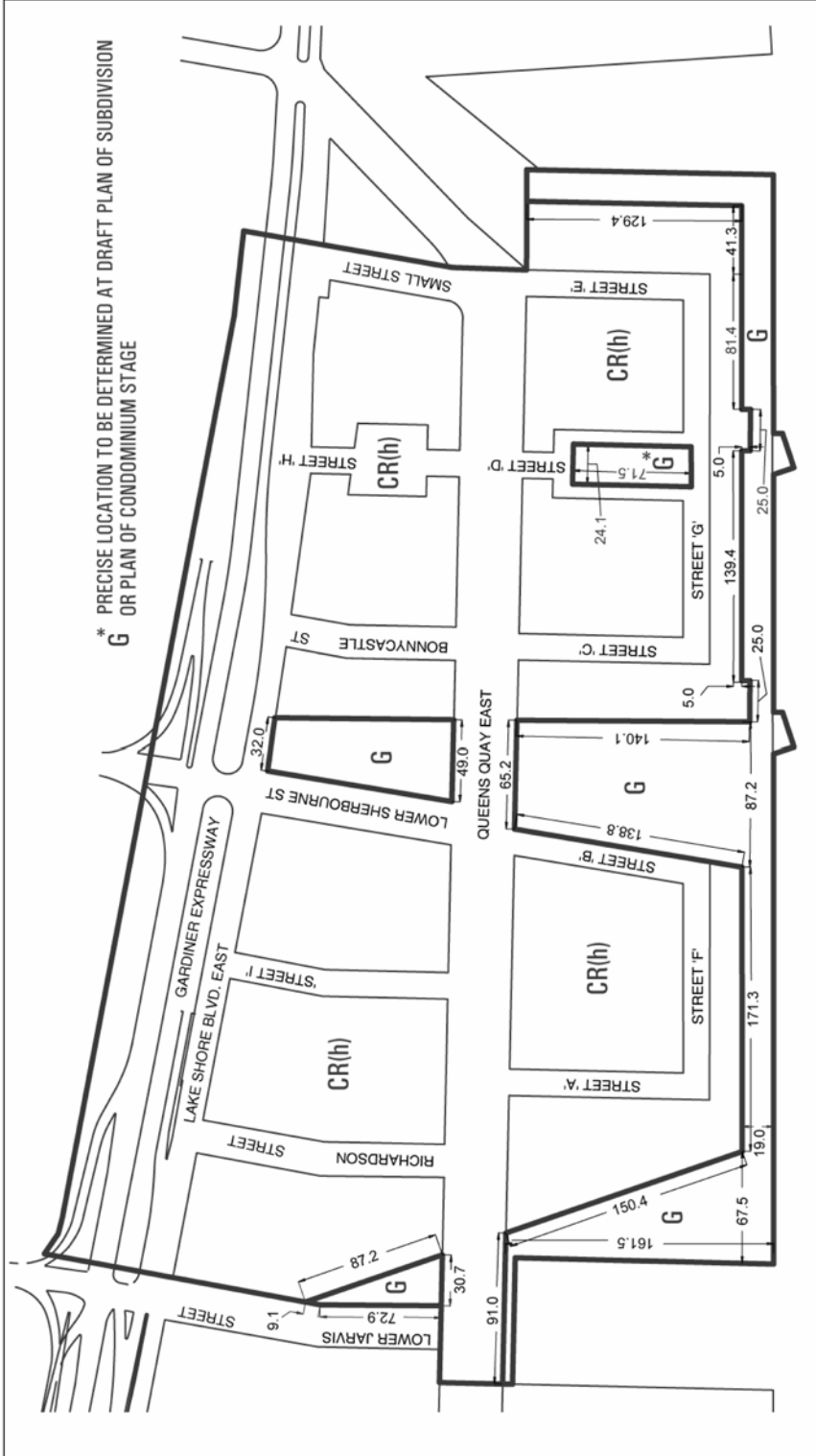
East Bayfront - West Precinct

File # 06_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only



Not to Scale
08/16/06



Map A: District Use Map

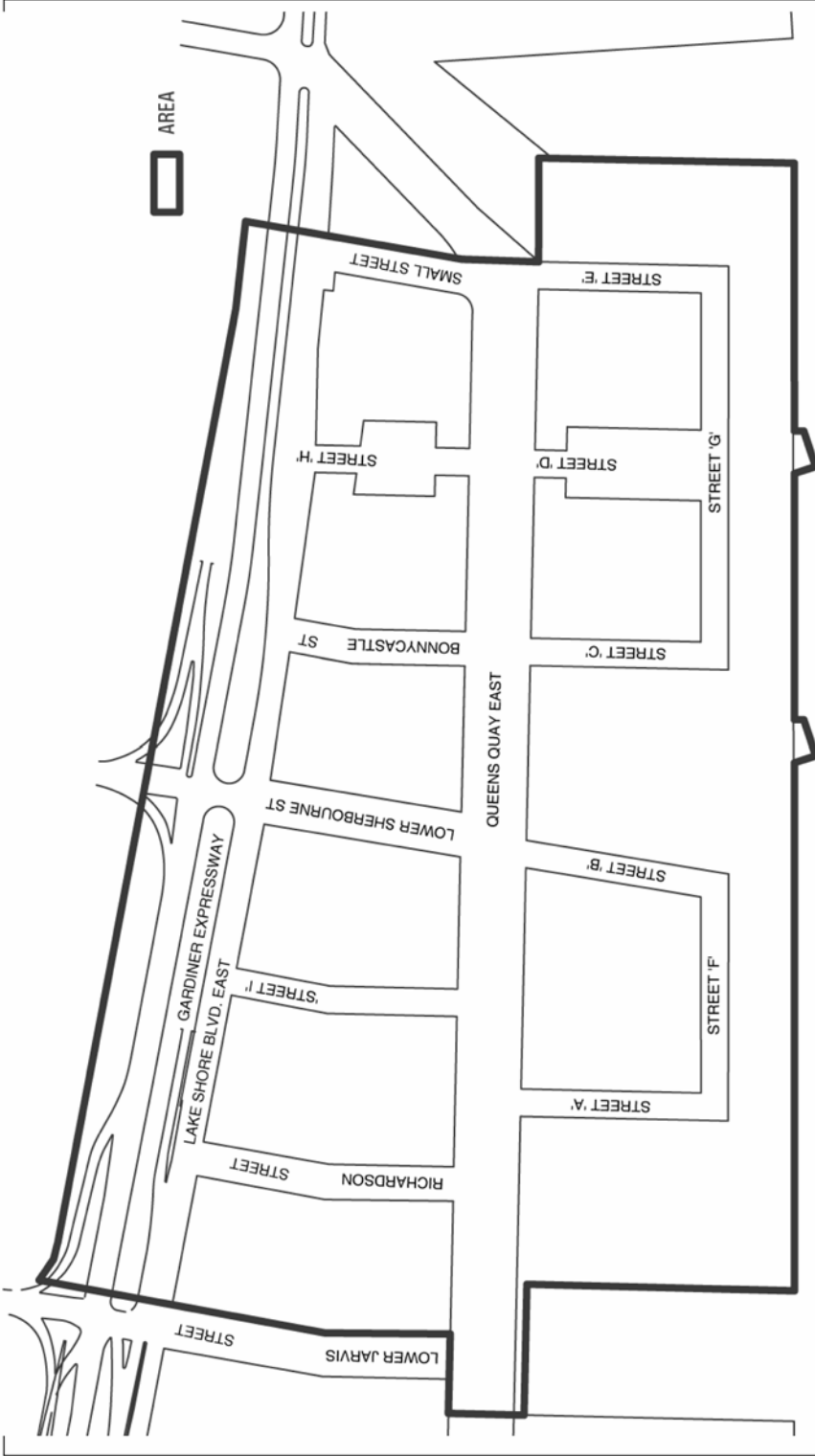
East Bayfront - West Precinct

File # 06_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only



Not to Scale
08/16/06



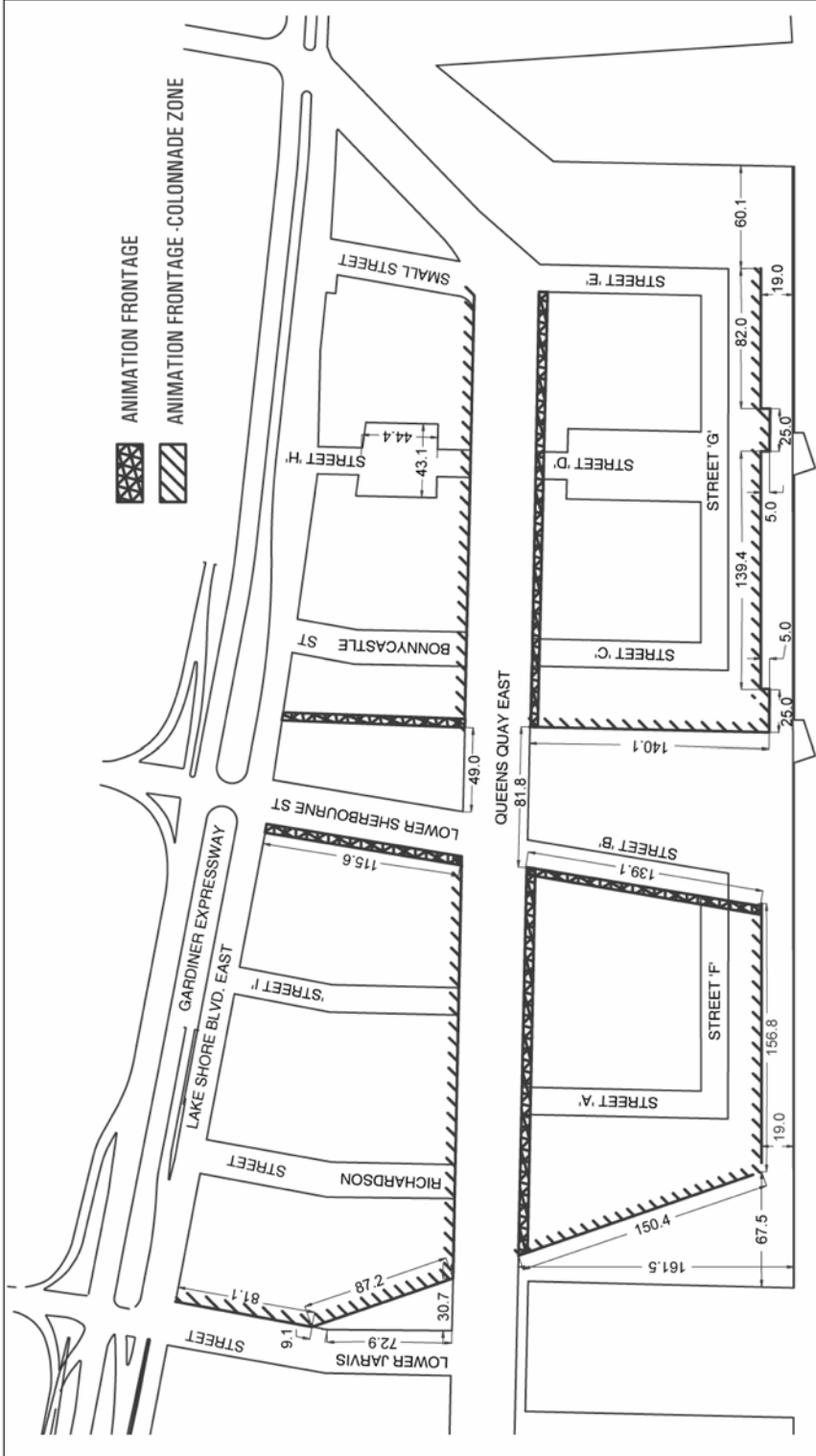
East Bayfront - West Precinct

Map C: Lands Exempt from Section 12(2) 270

File # 06_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only



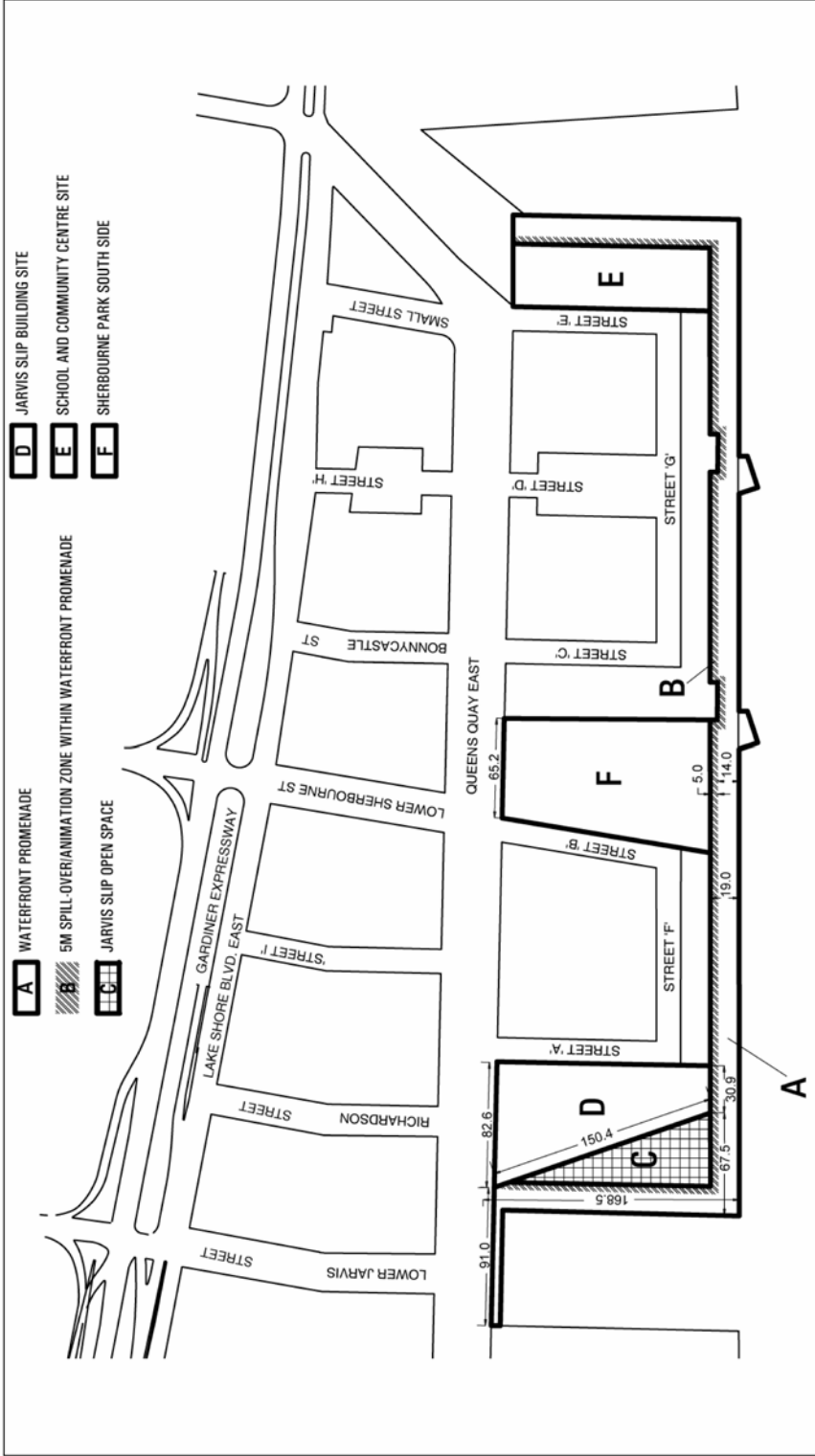


TORONTO City Planning Division
Map 2: Ground Floor Animation Area
East Bayfront - West Precinct

File # 06_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only





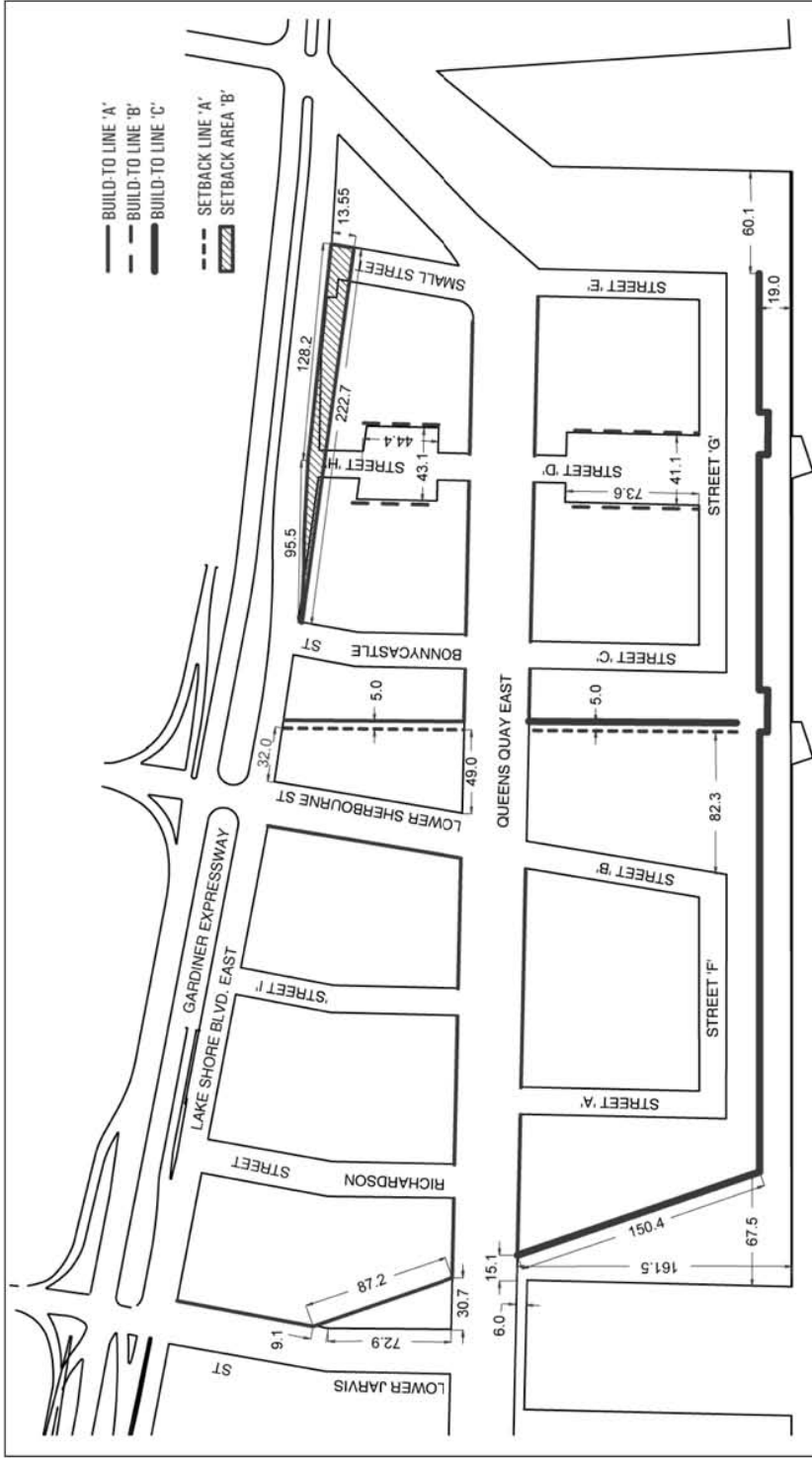
Map 3: Water's Edge Promenade

East Bayfront - West Precinct

File # 06_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only





East Bayfront - West Precinct

Toronto City Planning Division
Map 4: Build-To/Setback Plan

File # 06_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only

↑
 Not to Scale
 08/16/06