

Consolidated Clause in Toronto and East York Community Council Report 7, which was considered by City Council on September 25, 26 and 27, 2006.

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**Final Report - Proposal to Amend 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
(Ward 28 - Toronto Centre-Rosedale)**

City Council on September 25, 26 and 27, 2006, amended this Clause by deleting the recommendation of the Toronto and East York Community Council, and replacing it with the following staff recommendations contained in the Recommendations Section of the report (September 27, 2006) from the Chief Planner and Executive Director, City Planning:

“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 land-owners who elect to provide the 20 percent 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.”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The Toronto and East York Community Council recommends that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (August 23, 2006) from the Director, Community Planning, Toronto and East York District subject to amending the introductory paragraph of Clause (w)(ii) contained in Attachment 2: Draft Zoning By-law East Bayfront – West Precinct to read:**
 - “(w)(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 official LEED Silver Certification is not required, the owner shall:”;

- (2) **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 concerns regarding sustainable and affordable housing targets raised in the communication (September 12, 2006) from the Chair, West Don Lands Committee.**

Action taken by the Committee

The Toronto and East York Community Council:

- (1) 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;
- (2) 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; and
- (3) held a statutory public meeting on September 13, 2006 and notice was given in accordance with the *Planning Act*.

The Toronto and East York Community Council submits the report (August 23, 2006) from the Director, Community Planning, Toronto and East York District:

Purpose:

This report reviews and recommends approval of a City-initiated proposal to amend By-law 438-86 for the area known as the East Bayfront (the lands between Lower Jarvis Street and Small Street to the south of Lake Shore Boulevard East) and makes recommendations to modify the Central Waterfront Secondary Plan with respect to the location of Parks and Open Space Areas within the East Bayfront and Schedule A to the Central Waterfront Secondary Plan which is a schedule of rights-of-way widths.

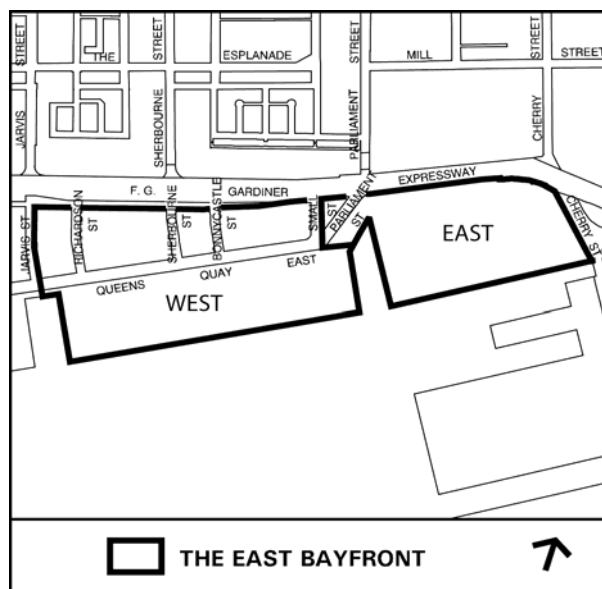
Financial Implications and Impact Statement:

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 Section 2.6 of the Central Waterfront Secondary Plan and the revised Schedule A;
- (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; and
- (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.



Background:

Proposal

At its meeting on December 5, 6 and 7, 2005 City Council requested staff to prepare an amendment to the Zoning By-law to generally implement the Precinct Plan, which provides the

planning direction for the development of a mixed-use neighbourhood with associated open space within the western half of the East Bayfront. In so doing, Council asked staff, in the preparation of the zoning by-law amendments, to consider issues related to the development of lands adjacent to the Gardiner Expressway and to ensure the provision of affordable housing and other public benefits through the use of Section 37 of the Planning Act. Staff was also requested to bring forward to Council urban design parcel guidelines and a public realm plan in conjunction with the draft zoning by-law.

Site History

The development of the various precincts within the Central Waterfront was initiated with the adoption by Council of the Central Waterfront Secondary Plan on April 16, 2003. The adoption of the Secondary Plan resulted in a number of appeals of the Plan to the Ontario Municipal Board (OMB). Since then, staff have been dealing with the issues identified in the appeals and in the course of the ongoing hearing, made a commitment to the Board to bring the by-law for a portion of the East Bayfront area to Council this fall so that the hearing could proceed with a better understanding of the detailed implications of the Secondary Plan by the appellants. It was anticipated that this would also help to compress the overall amount of time in front of the Board and focus the issues for the appellants.

The first stage of preparing the zoning by-law for the East Bayfront – West Precinct was the preparation of a Precinct Plan for the area in consultation with the public and landowners in the area. This work was undertaken jointly by the Toronto Waterfront Revitalization Corporation (TWRC) and the City, culminating in the adoption of the Precinct Plan by Council on December, 5, 6 and 7, 2005. The conditions for approval gave clear direction to staff on how to address a range of issues during the preparation of the zoning by-law. This report addresses these concerns and proposes the adoption of an amendment to By-law 438-86 for the former City of Toronto as the most efficient means of implementing the policies of the Secondary Plan.

The primary organizing concept of the East Bayfront Precinct Plan is a system of public places, which reserve the most accessible and desirable parts of the lands for public use, including major open spaces at the foot of the primary north-south streets, continuous public water's edge promenades and large open spaces within and between blocks. This organizing system is intended to provide visibility, accessibility and continuity to the public realm and will act as a framework of venues overlooked by adjacent development while complementing views of the lake, harbour and the adjacent downtown skyline. The built form is intended to create a sense of "place making" with the facades of the buildings providing the vertical enclosure to form urban rooms. The spaces are also intended to provide a terraced relationship between the northern edge of the site and the water's edge. In specific locations, buildings along both the northern perimeter of the site and along the water's edge are encouraged to be higher to provide landmark structures marking the thresholds to the area. Pedestrian comfort has been paramount in the design to ensure wind protection, sun access, and shade in summer and weather protection in inclement weather. The proposed by-law also provides for a range of outdoor activities affiliated with the water's edge, the northern edge of Queens Quay East and the eastern edges of the primary open space areas.

Site and Surrounding Area

The East Bayfront area is located south of the Gardiner/Lake Shore Boulevard East/rail corridor bounded by Jarvis Street on the west and Cherry Street on the east. The area extends south to the inner harbour and includes the Queen Elizabeth dock area currently owned and managed by the Toronto Economic Development Corporation (TEDCO). To the west of Jarvis Street significant uses include a major supermarket and the Redpath Sugars (now owned by Tate & Lyle) factory. The eastern boundary of the West Precinct is the Parliament Slip and the Victory (Soya) Mills silos.

Only the western portion of the total East Bayfront area was brought forward for adoption by Council in the implementation of the Precinct Plan. This is a 25 ha (62 acres) area located between Jarvis Street and Parliament Street as shown as East Bayfront West on the key map. The Precinct Plan for the lands to the east of Parliament Street (including the Victory (Soya) Mills site and the lands owned by Home Depot) will be brought forward to Council once the major Environmental Assessment work related to the extension of Queens Quay East and the mouth of the Don River naturalization have been completed. Staff will then be in a position to recommend a Precinct Plan and amendments to the By-law for these lands.

The future East Bayfront is envisioned as a mixed-use community with a diversity of employment and residential functions, along with a public realm that makes this area a significant public destination. Approximately 6,300 residential units and 185,800 sq. m. (2 million sq. ft.) of non-residential development is proposed to be built out over a period of 15 years. Anticipated non-residential development includes various office, studio, retail, recreation, entertainment and public/cultural activities.

Official Plan

The new Official Plan for the City of Toronto excludes the Central Waterfront Secondary Plan area as per the OMB's Order approving the Plan. On approval of the Secondary Plan, the Official Plan will be brought into conformity with the land use designations found in the Secondary Plan. The illustrated land use designation of this area within the Central Waterfront Secondary Plan generally designates the East Bayfront as a Regeneration Area with specifically located Inner Harbour Special Places and a Public Promenade along the dockwall. Modifications to the East Bayfront area within the Central Waterfront Secondary Plan currently in front of the Board are proposed which more specifically detail the size and location of the proposed Parks and Open Space Areas. These changes to the plan are illustrated on the plans attached to this report as Map C and Map E.

Zoning By-law

The zoning for the East Bayfront set out in By-law 438-86 of the former City of Toronto is I2 D3 N O.5. This is an industrial zoning which allows a range of industrial, retail, workshop and storage uses subject to various conditions at a density of 3 times the lot area and with no height restrictions. No residential development is currently allowed in this area.

To be consistent with the policies of the Central Waterfront Secondary Plan and the Precinct Plan adopted by Council, the proposed zoning allows for a range of mixed commercial and residential development (CR zoning), as well as defining parks at the foot of both Jarvis and Sherbourne Streets and along the water's edge promenade.

The proposed by-law would be an amendment to By-law 438-86 and would set out a range of height limitations to permit the development to step up generally from a height of 20 metres adjacent to the water's edge promenade to a general height of 46 metres along the south side of Lake Shore Boulevard and the Gardiner Expressway. These height limits would be punctuated in certain areas by a number of relatively low "bump ups" as well as three locations for 120-metre high towers along the northern edge of the area to the immediate south of Lake Shore Boulevard.

There would be no density controls on the development, but the proposed height and set back controls of the by-law, coupled with the imposition of design guidelines would limit the overall amount of achievable density. The proposed by-law also recommends that an "h" or holding provision be approved at the present time, thereby requiring the developers to enter into a Section 37 Agreement, Subdivision Agreement, or other form of agreement with the City prior to the removal of the "h" in order to carry out new development. Although this holding zone is proposed, uses existing at the time of passing of the By-law or a limited range of new uses would be permitted by the CR zoning to ensure that existing properties are not unduly restricted by the passing of the proposed by-law. Small additions to existing buildings would also be permitted without having to lift the "h".

It should be noted that to undertake residential development in these areas there would be a requirement within the Section 37 Agreement for the developer to pay a contribution of \$69.86 per square metre of residential gross floor area towards local infrastructure improvements or undertake local infrastructure improvements to an equivalent value. Such developers would also be required to secure new affordable rental housing equal to 20% of the total number of dwelling units and any development containing ownership dwelling units would also be required to provide not less than 5% of all such units with specified size restrictions to assist in the provision of affordable ownership residential units.

It should also be noted that a block of land to the south of Queens Quay East adjacent to the western edge of the Parliament Street basin will not be able to be developed until a conceptual design for a school, community centre and associated open space and other uses is completed to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with Parks, Forestry and Recreation and the appropriate school board(s).

The proposed CR zoning within the draft by-law would also require the development of a range of retail, restaurant and other uses such as galleries and studios along 70% of the frontages to animate the eastern edges of the open space/park areas, along the water's edge and along the northern side of Queens Quay East, in accordance with the TWRC's ground floor animation strategy. The development of these areas would also require the construction of a weather protected colonnade along these frontages.

Studies undertaken by the TWRC have identified that some of the lands within the East Bayfront – West Precinct may be subject to noise issues related to the ongoing operations of Redpath

Sugars. To ensure that these concerns are adequately addressed to ensure a suitable living environment for the new residents of the area and to ensure the continued viability of the Redpath Sugars operation, the draft by-law would require in the provisions of the Section 37 Agreement that a noise study be prepared by a qualified noise consultant and detailed design plans would be prepared to demonstrate that appropriate noise mitigation measures, to the satisfaction of the City, will be put in place.

The Stage 1 Archaeological Assessment for the East Bayfront, West Don Lands and the Portlands which was completed in April of 2004 on behalf of the City of Toronto identified the possibility of archaeological features related to the remains of the Knapp Roller Boat on the lands currently known as 215 Lake Shore Boulevard East (the current FedEx site). As a result of this investigation, the landowners would be required with the submission of a Site Plan Approval application or in conjunction with a Draft Plan of Subdivision or Condominium to undertake a Part 2 Archaeological Assessment in accordance with the Ontario Heritage Act. The applicant would be required to retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act, and carry out such an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

Site Plan Control

The entire East Bayfront – West Precinct is defined as an area of Site Plan Control and new development would be subject to review under the terms of Section 41 of the Planning Act. The proposed by-law would require that as a condition of lifting the “h” the applicants would, among other conditions, agree to submit their development applications for review and comment by the Toronto Waterfront Revitalization Corporation Design Review Panel. To this end a set of design guidelines is being prepared in accordance with Council’s direction associated with the adoption of the East Bayfront Precinct Plan. A preliminary draft of the design guidelines has been completed, but there has been inadequate time to undertake a full consultation with the public and landowners in the area. It is recommended that staff be instructed to undertake this work over the next several months and report back to Council on the adoption of the design guidelines in 2007.

Community Consultation

The consultation process, prior to the approval of the Precinct Plan, included a total of six stakeholder meetings for community group leaders and property owners in the vicinity of the development. In addition, a total of five widely advertised public forums were held prior to the report on the Precinct Plan going forward to the public meeting held by the Policy and Finance Committee in November of 2005. Following the adoption of the November 16, 2005 staff report by Council at its meeting on December 5, 6 and 7, 2005, TWRC and City staff held a further two stakeholder meetings and two community consultation meetings between April and the beginning of August this year. In addition, staff undertook direct consultation with landowners in the area.

Agency Circulation

The draft by-law was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

City Council at its meeting of December 5, 6 and 7, 2005 adopted a variety of recommendations which serve to give direction to staff in the preparation of the zoning by-law for East Bayfront – West Precinct. The following comments respond to the motions of Council:

Development adjacent to the Gardiner Expressway and Queens Quay East

Council requested that the TWRC in consultation with all relevant stakeholders, examine the built form option(s) to address the impacts of adjacencies to the Gardiner Expressway and submit this analysis to the appropriate City officials, for report thereon to City Council. In addition, Council requested a report on provisions to minimize the curb-to-curb distances in conjunction with the comprehensive zoning by-law review for the East Bayfront Precinct Plan and Class EA Master Plan and to improve pedestrian access and further, if Council has not made a decision regarding the removal of the Gardiner Expressway by the time the zoning by-law is presented to Council for adoption, staff be directed to exclude the lands fronting onto Lake Shore Boulevard from the zoning where appropriate.

The issues related to developing adjacent to the Gardiner Expressway and Lake Shore Boulevard East prior to the decision on the future of the Gardiner were reviewed in the process of developing the draft zoning by-law and the initial work on the design guidelines for the East Bayfront – West Precinct. It was determined that the recommended built form and setback provisions, as well as permission to develop screened, above-grade parking facilities would provide a suitable solution to achieve a reasonable quality of development and streetscape while not limiting the development potential of the lands indefinitely. Even though staff and consultants are confident that the proposed standards for development in this area are appropriate, concerns have been voiced by landowners regarding the recommended form of development adjacent to the Gardiner Expressway in the long term. When a decision respecting the future of the Gardiner Expressway is made, a further review of the built form may be warranted. At that time any decision relating to the removal (or not) of the Gardiner Expressway may call into question the validity of the currently proposed built form recommendations. If at that time any of the abutting landowners request such a review it should be undertaken on the basis of the following conditions:

- as the proposed zoning does not impose a maximum density or gross floor area provision, it would be necessary when undertaking such a review to ensure that the result of such a study was “density neutral” and that there be no inferred density, but was rather intended to study the reconfiguration of the built form;
- as the work associated with this review could be extensive, the costs associated with this review should be borne by any landowner(s) requesting such a review; and

- as such a review of the Precinct Plan and amendment to the By-law would be significant it should be recognized that this would result in the need to go back to the broader community for consultation and could result in the need to amend the by-law for the abutting lands.

Affordable Housing and other Public Benefits

Staff was requested to include provisions through the use of Section 37 of the Planning Act to secure affordable housing contributions and public benefits. In accordance with the policies of the Central Waterfront Secondary Plan and Council's direction the currently proposed draft zoning by-law would provide the provision and maintenance of 20% of the units built as affordable rental housing for a term of 25 years, or the dedication of lands sufficient to construct 20% of the total number of dwelling units or cash-in-lieu to the amount of the value of such land prior to the issuance of the first above grade building permits. The developer would also be required to construct at least 5% of the ownership dwelling units with size restrictions on these units to ensure that they fall within the definition of low-end-of -market housing.

In addition to these requirements respecting the provision of affordable housing, any developer proposing to develop housing would be required to provide a contribution of \$69.86 per square metre of residential gross floor area towards the cost of local infrastructure improvements or to undertake local infrastructure improvements to the same value.

Further to these requirements associated with residential development, as a condition of removing the "h" all development (including commercial or residential development) would be required to provide public art, as per the Percent for Public Art Program to a value not less than 1% of the gross construction costs of the buildings or structures and also would be required to comply with a number of provisions ensuring the sustainability of the buildings. These requirements would include the developer's commitment to the connection of buildings to a district energy system, subject to its availability and cost competitiveness. The developers would also be required to design and construct buildings to standards which would be suitable for Leadership in Energy and Environmental Design (LEED) Silver certification and to make application for such certification.

Design Guidelines

Substantial work has been completed in the preparation of the urban design parcel guidelines and the public realm plan for the East Bayfront as directed by Council. Much of this work is fundamental to the preparation of the draft zoning by-law, however, the material has not yet been presented in detail to the community or the landowners in a consolidated format, but only as broad policy direction. It is anticipated that the details of this will be of considerable interest to the community and that a public consultation process will be needed to ensure support for the Guidelines.

In accordance with Council's direction, the proposed draft zoning by-law ensures a built form continuity along the water's edge promenade and adjacent to Sherbourne Park. The by-law will guarantee that the public realm is treated in a coordinated manner and that through the Design Review Panel all development is reviewed to ensure compliance with the design guidelines and

benefit the public realm. In order to meet the time constraints associated with the OMB hearing schedule, however, it is essential that Council be given the draft zoning by-law for approval even though the design guidelines have not been subject to a full discussion within the community. Staff will report back to Council on the design guidelines in 2007.

Design Review Panel Comments

Staff and the consultants to the TWRC made a presentation to the TWRC's Design Review Panel on the major directions of the Precinct Plan for East Bayfront and the draft zoning by-law. Overall, the Design Review Panel was complimentary of the material presented and indicated general support for the approach that is being taken. However, they did voice concerns as to the likelihood that a viable weather-protected colonnade system as set out in the plan could be achieved.

The issue of the weather protected colonnade has been the subject of substantial review to ensure that the proposed dimensions and scale of this feature will make this a functional space and help to animate the public realm in these areas. When presented to the public in the community forums which have been held, the colonnades were generally seen to be very beneficial and a means to give vitality to the ground floor commercial uses especially along the water's edge in the winter season. The response of the Design Review Panel has been given serious consideration and it is felt that unless a requirement for the colonnade is included in the by-law, a continuous weather protected public walkway would not be ensured. If such a continuous walkway were not provided for substantial distances along the defined commercial route, then its usefulness would be seriously minimized. As a result, a decision has been made to maintain this feature of the Precinct Plan as a component of the draft zoning by-law.

Overall the currently proposed zoning by-law amendment complies with the conditions set forth by Council with exceptions as noted above. The adoption of the by-law in its current format will significantly advance the prospects for realizing the development of the East Bayfront in accordance with the policies established in the Central Waterfront Secondary Plan.

Modifications to the Central Waterfront Secondary Plan

At the present time, the only required modifications to the Secondary Plan are a further detailing of the Parks and Open Space areas as set out in the Precinct Plan and amendments to the text of Section 2.6 Holding By-laws and to Schedule A Proposed Rights-of-Way (ROW) for Major Roads. The Central Waterfront Secondary Plan identified two Inner Harbour Special Places at the foot of Lower Jarvis Street and Lower Sherbourne Street. The designation of these Special Places has been maintained on the map as they continue to meet the policy framework set out in policy P12 of the Secondary Plan. However, their importance has been further emphasized and defined through the provision of the associated Parks and Open Space Areas, illustrated on Maps C and E of the Secondary Plan on both sides of Queens Quay East at the foot of both Lower Jarvis and Lower Sherbourne Streets. In addition, and in conformity with the Precinct Plan a small public park is defined on the Secondary Plan Maps C and E mid way between Sherbourne Street and the foot of Cherry Street and to the south of Queens Quay East.

To ensure compliance with the policies governing the conditions for the removal of the “h” holding provisions the text of the Section is proposed to be amended to clarify that the removal of the “h” is also based on achieving environmental sustainability and good design through review and co-ordination of development proposals with the TWRC’s Design Review Panel. In addition, amendments to the rights-of-way for Lower Jarvis Street and Lower Sherbourne Street to the south of Lake Shore Boulevard are required to allow for the widening of these streets from 20 m to 26 m in compliance with the direction of the Precinct Plan. This results in the need to amend Schedule A Proposed Rights-of-Way (ROW) for Major Roads as set out in Attachment 1.

Conclusions:

The proposed modifications to the Secondary Plan and amendment to the former City of Toronto’s Zoning By-law have been the subject of significant consultation with the community and the landowners in the area. The proposed draft by-law is intended to implement the policy direction outlined in the Precinct Plan for the East Bayfront – West Precinct and to respond to the direction of Council in its adoption of the Precinct Plan in December, 2005. The approval of the attached material will substantially advance the realization of development in the Central Waterfront and offer opportunities for this first new water’s edge community to the east of Yonge Street. The adoption of this material also will serve to assist in the approval of the Central Waterfront Secondary Plan in accordance with a schedule previously presented to the Ontario Municipal Board. This is an important step forward in the development of a revitalized waterfront and will illustrate the commitment of all three levels of government to reaching this goal.

Contact:

Angus M. Cranston, Senior Planner, East Section
Telephone: 416-392-0425; Fax No. 416-392-1330; Email: acransto@toronto.ca

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:

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 and 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. This holding symbol may be removed after the necessary studies and plans have been provided and secured through an agreement or agreements entered into pursuant to Section 37 and/or Section 51 of the *Planning Act*.

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
Manitoba Dr (new)	Strachan Av	Fraser Av (new)	Varies	Yes

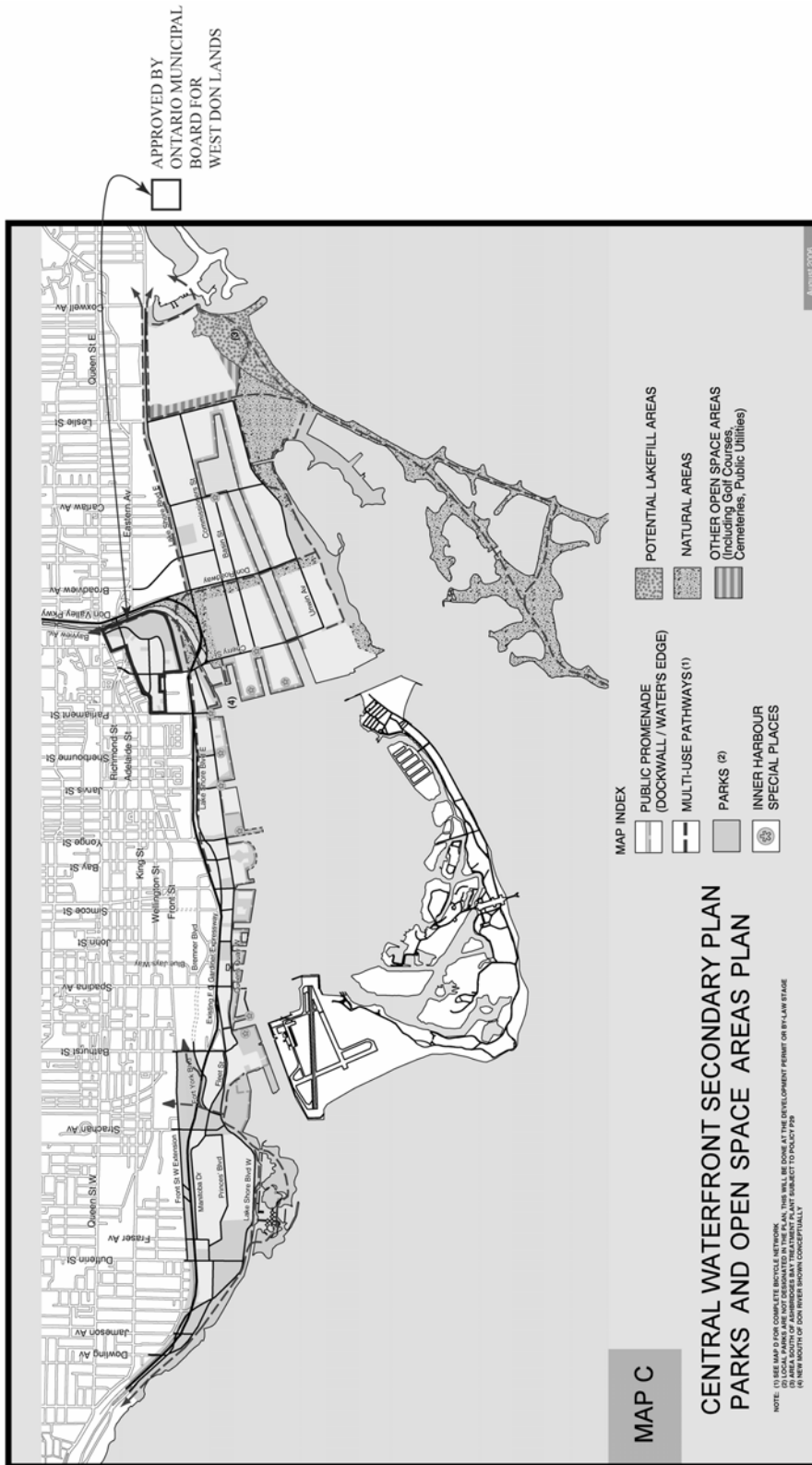
Roadway ⁽¹⁾	From	To	ROW	Streetcar in own ROW
Mill St	Cherry St	Bayview Av (new)	25 m	No
Parliament St	King St E	Front St E	Varies	Yes
Parliament St (new)	Lake Shore Blvd E	Queens Quay E	24 m	No
Princes' Blvd (new)	Saskatchewan Rd	Manitoba Dr	45+ m	No
Queens Quay E	Yonge St	Cherry St	40 m ⁽²⁾	Yes
Strachan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

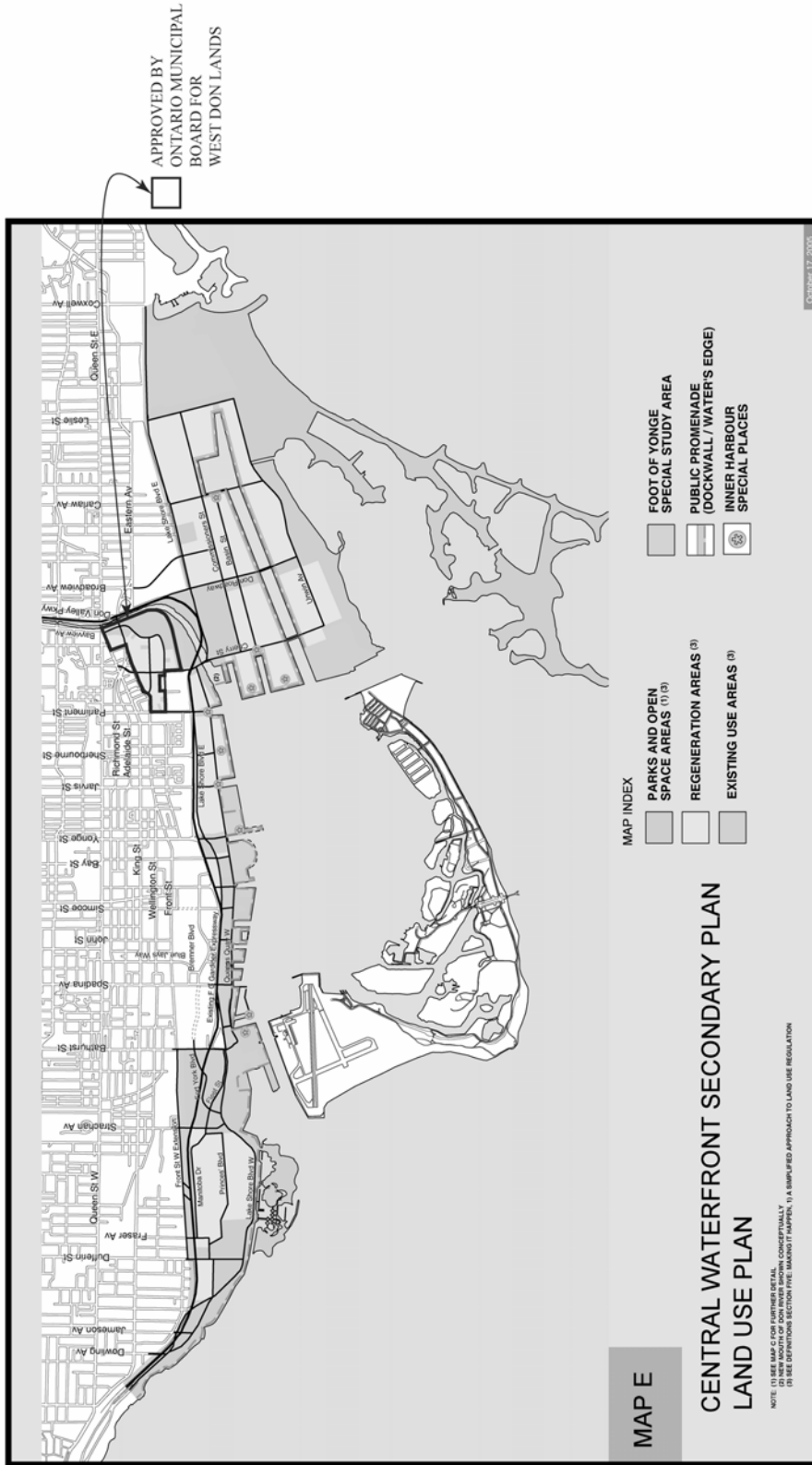
(1) Existing or currently planned roads (e.g. Bremner Boulevard) that are not listed in this schedule will maintain current right-of-way designation.

(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.





Attachment 2

Draft Zoning By-law East Bayfront - West Precinct

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

Enacted by Council: ~, 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 __, 2006, adopted as amended clause __
of Toronto and East York Community Council Report No. __.

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 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 as follows 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 By-law 438-86 is amended by adding the following:

1 Lower Jarvis Street	By-law -2006
-----------------------	--------------
5. Section 12(1) 426 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:
 - (i) 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)(i) herein 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.

- (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 , 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 , 2006, whichever is the greater;
 - (ii) any use permitted within a CR district by subparagraphs (a)(i) and (ii) herein, within a building existing on , 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 , 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 (as indicated on Map B) within Area A and B; and
 - (B) the sum of 74 metres and the applicable *height* limit (as indicated on Map B) 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) are located no closer to each other than 30 metres in Area A and 10 metres in Area B;
 - (iv) 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.

- (v) 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;
- (vi) 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 street lot line.

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 36m, 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), (n) and (o) 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	
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 Council when the implementation of the following conditions has 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 Leadership in Energy and Environmental Design (LEED) Silver Certification for all buildings and structures to be constructed on the lot. Although obtaining 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;
- (iv) The submission of Site Plan Application(s) for review and comment by the Toronto Waterfront Revitalization Corporation Design Review Panel;
- (v) The provision of a noise study, prepared by a qualified noise consultant, and detailed design plans, which demonstrate to the satisfaction of the City that appropriate noise mitigation measures will be implemented;
- (vi) 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 (v) 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);
- (vii) In the case of the lands known municipally in 2006 as 215 Lake Shore Boulevard East, in addition to those matters set out in subparagraphs (w)(i) to (v) above, the owner shall submit and implement a management plan for conducting a Part 2 Archaeological Assessment satisfactory to the City; and
- (viii) In the case of lands within the *East Bayfront – West Precinct* proposed for residential uses, in addition to those matters set out in subparagraphs (w)(i) to (vii), 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).

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;

“*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;

“*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; and

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

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:

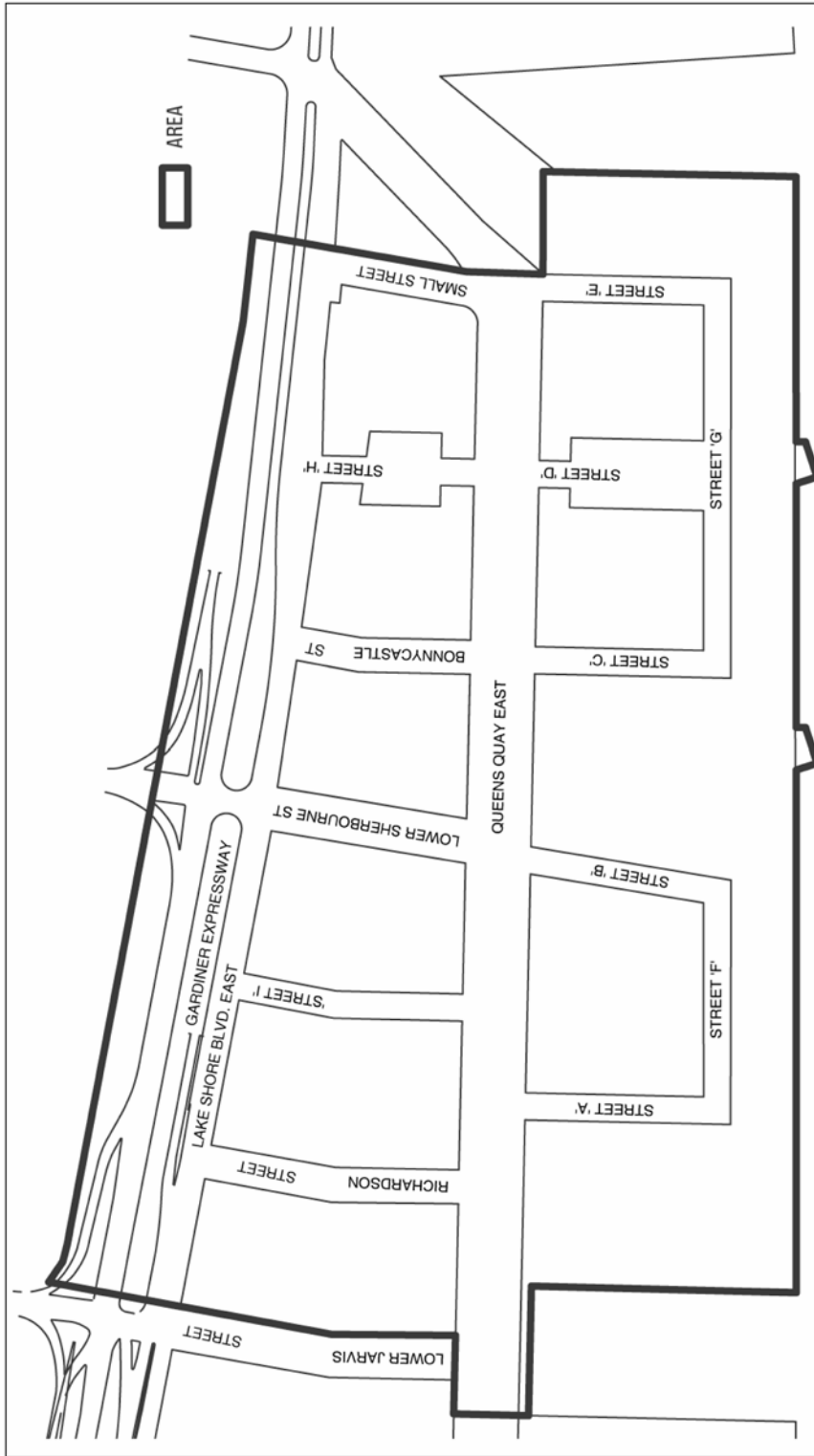
“other than in the *East Bayfront – West Precinct*”

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



East Bayfront - West Precinct

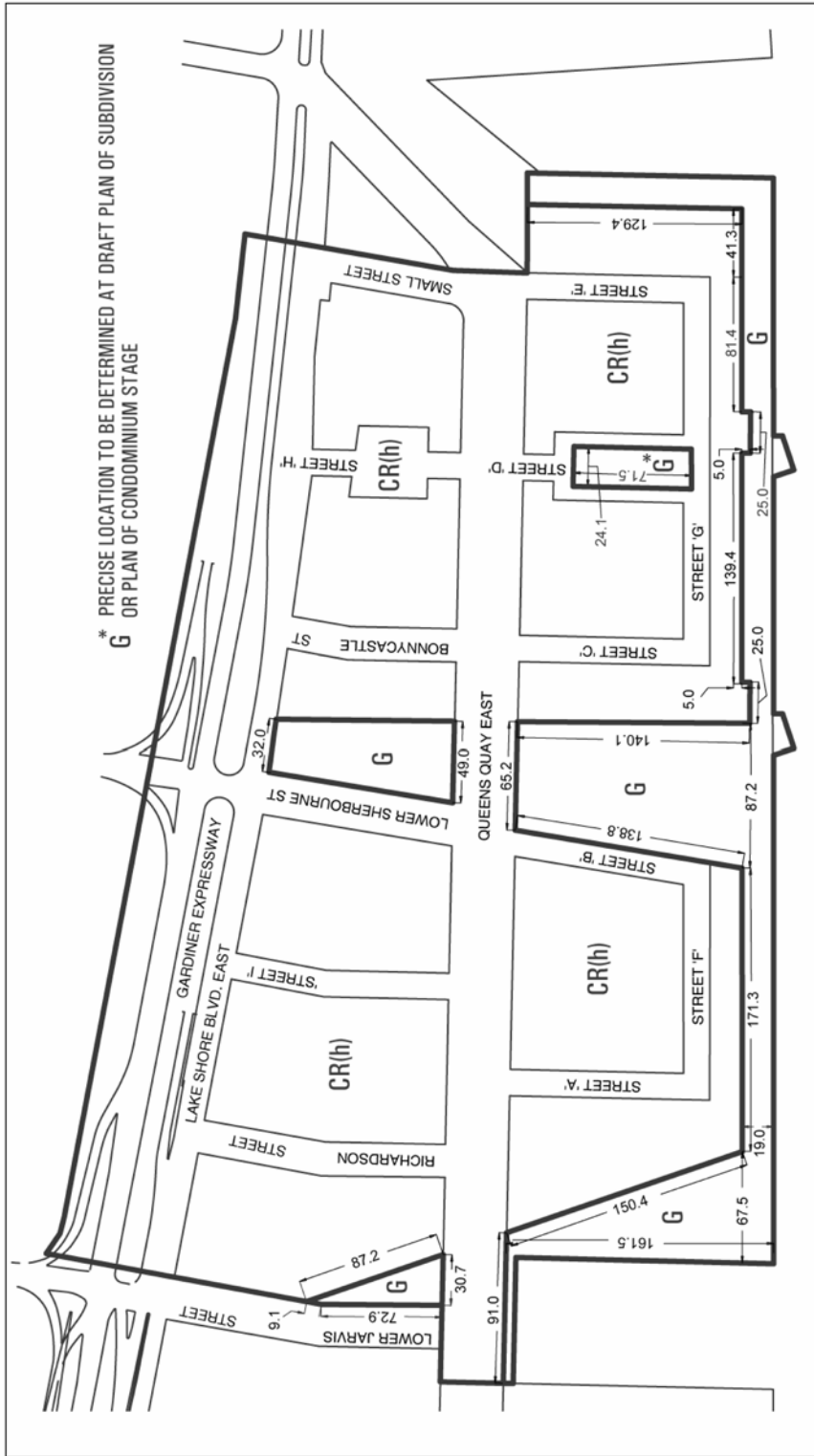


Area Referred to as "East Bayfront - West Precinct"

File # 06_160461

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





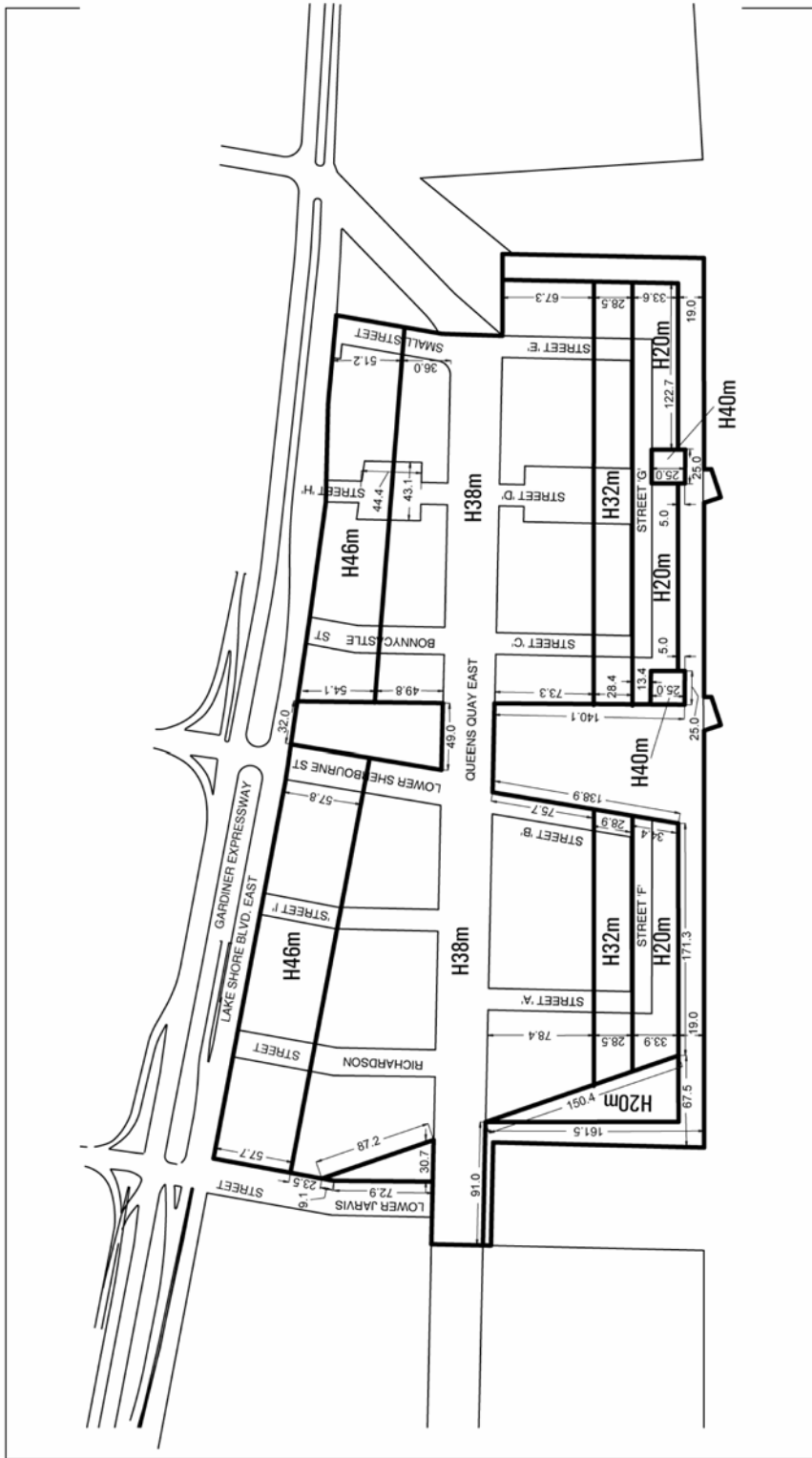
East Bayfront - West Precinct

Toronto City Planning
Division
Map A: District Use Map

File # 06_160461

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





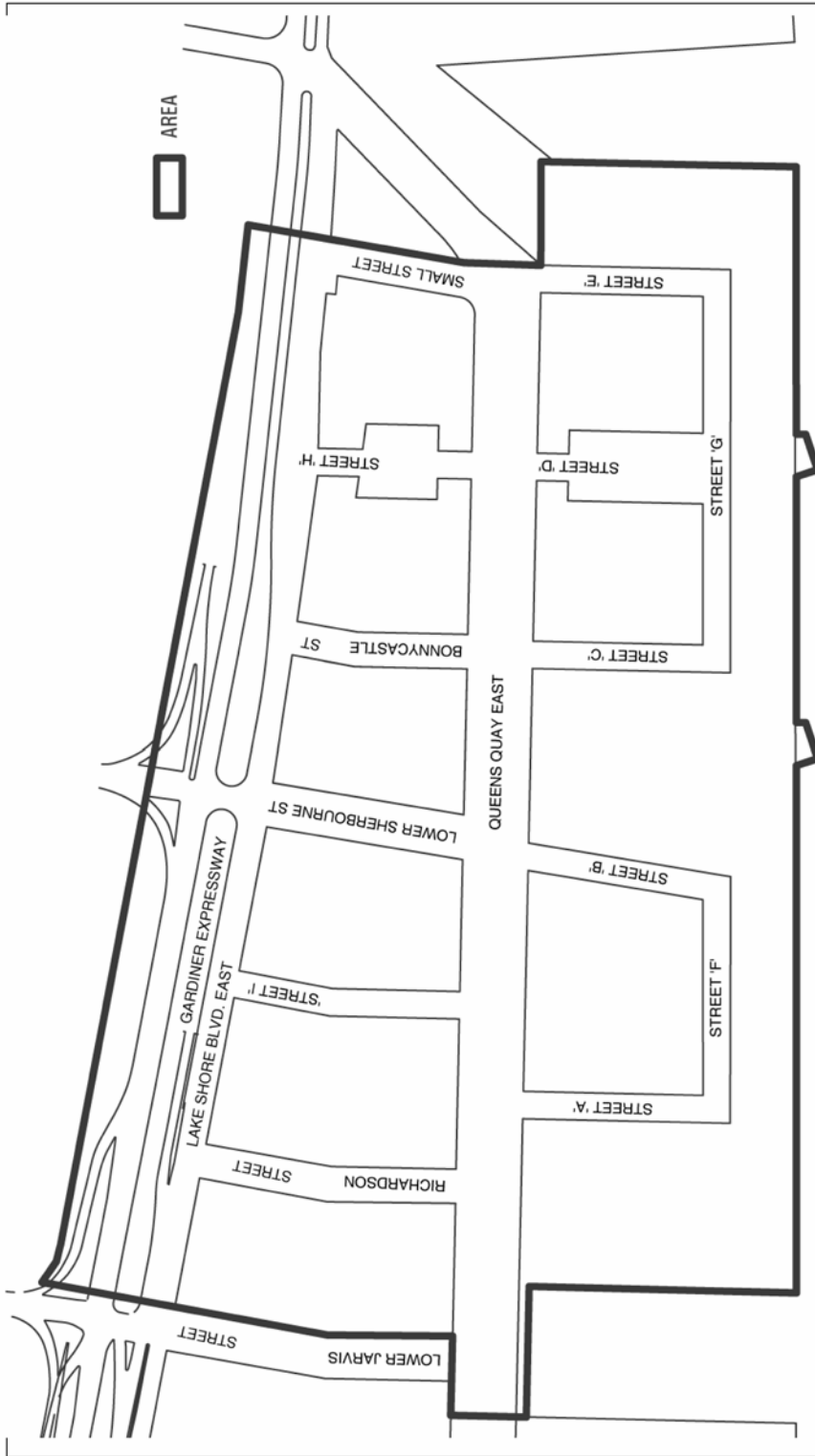
East Bayfront - West Precinct

Toronto City Planning
Division
Map B: Maximum Heights 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



East Bayfront - West Precinct

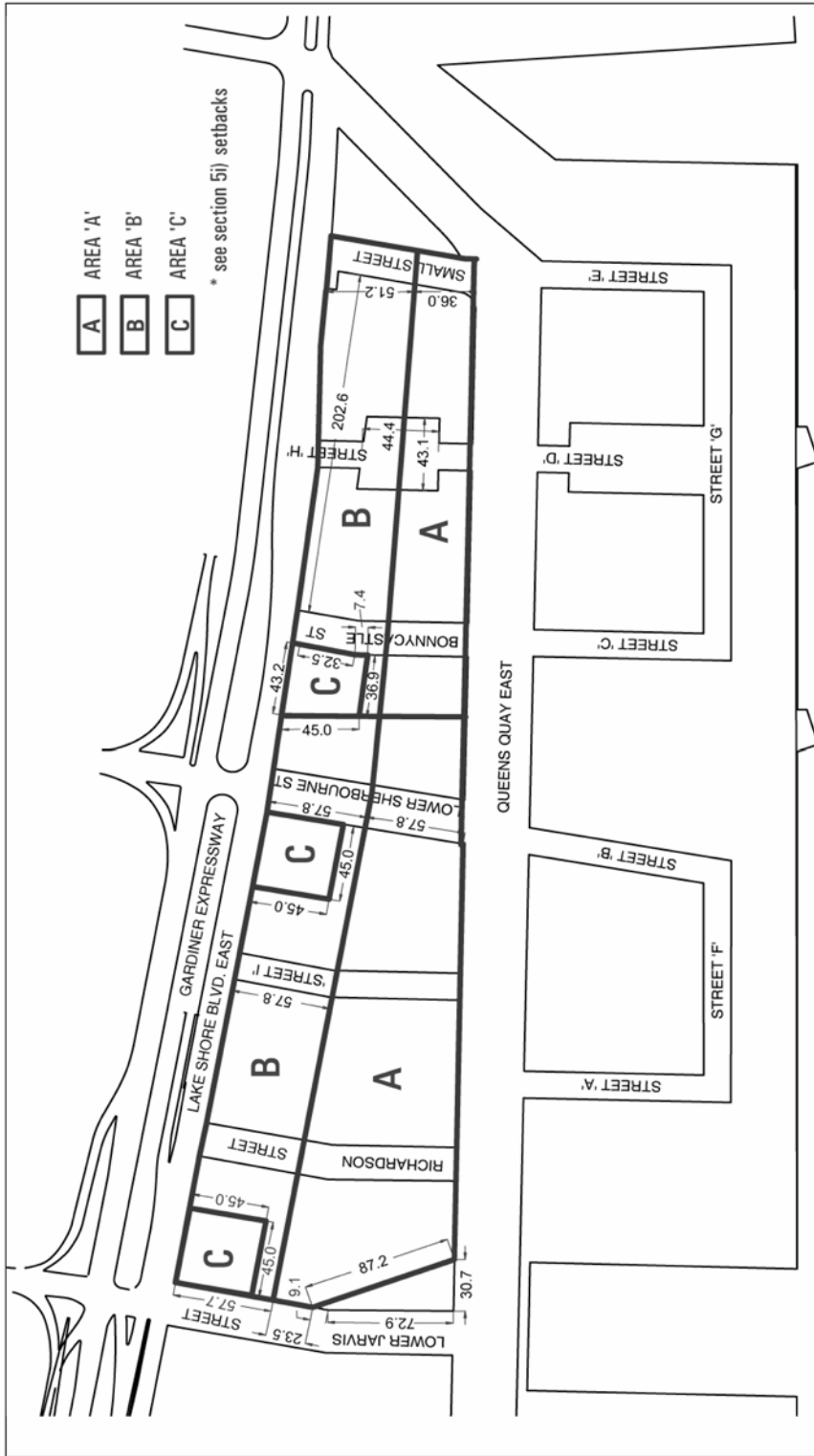


Map C: Lands Exempt from Section 12(2) 270

File # 06_160461

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





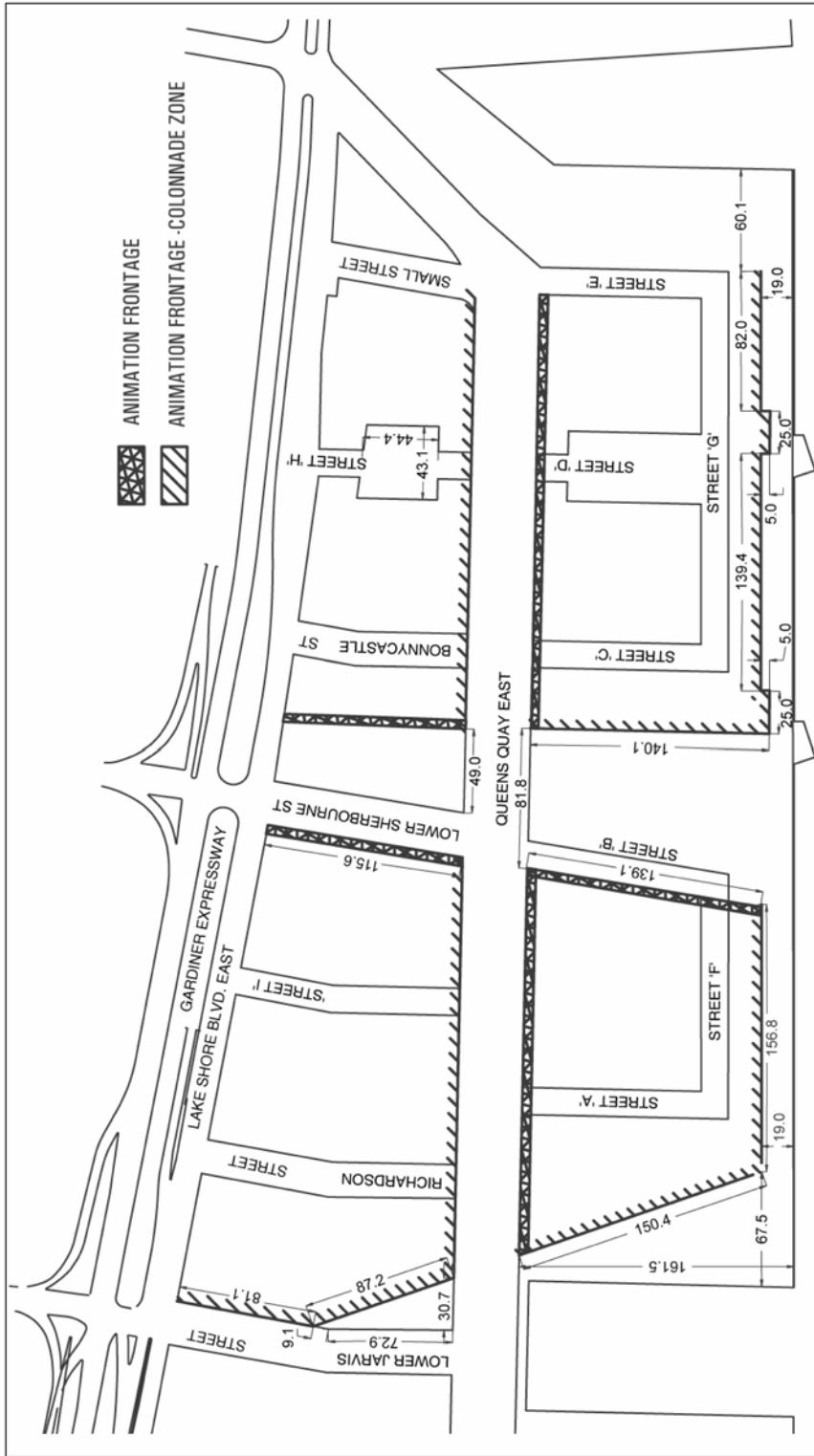
Toronto City Planning Division
East Bayfront - West Precinct

Map 1: Heights Plan with Exception Areas

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

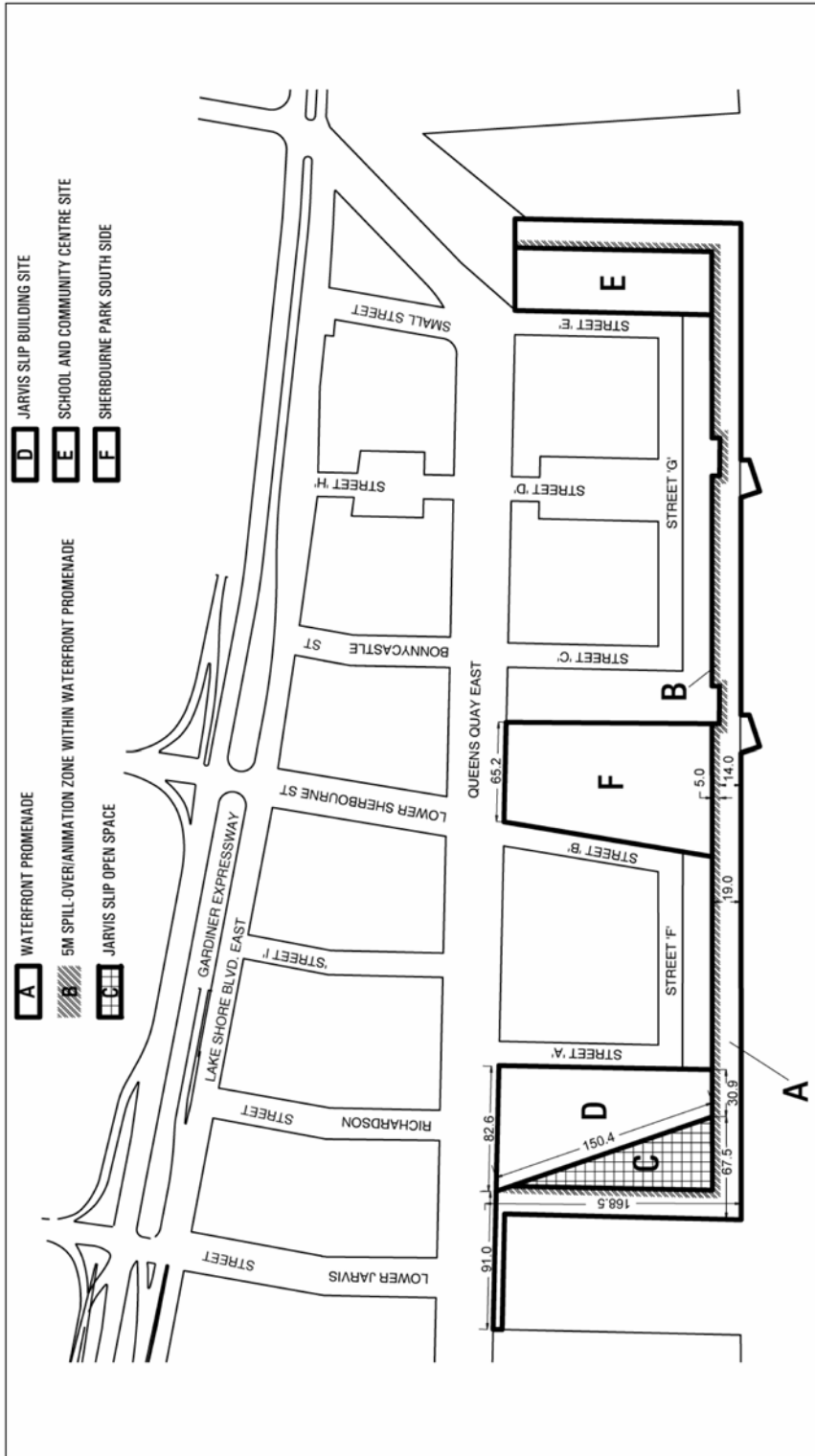


Map 2: Ground Floor Animation Area

File # 06_160461

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





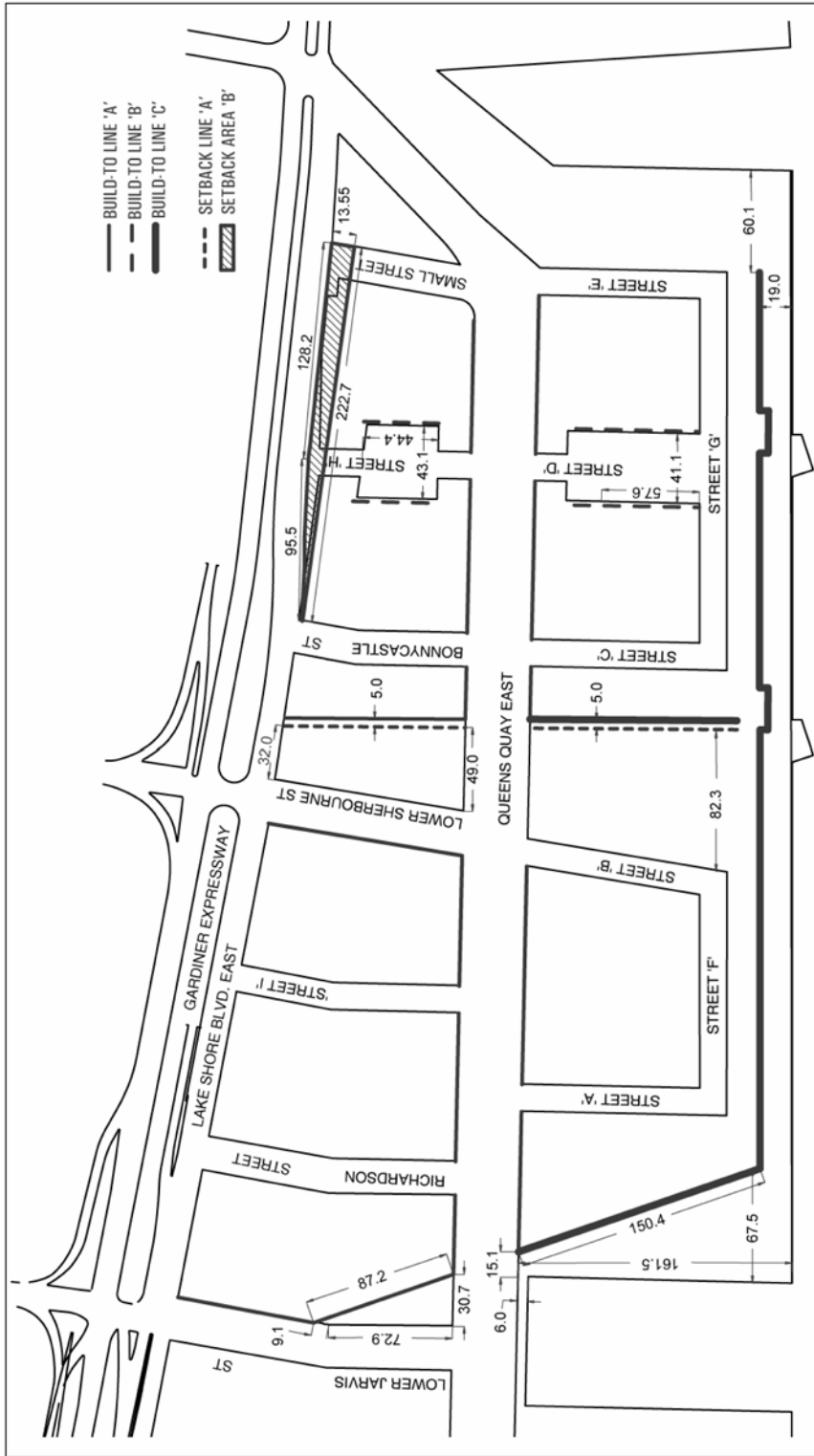
East Bayfront - West Precinct

Toronto City Planning Division
Map 3: Water's Edge Promenade

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

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

The Toronto and East York Community Council also had before it the following communications and copies are on file in the City Clerk's Office:

- Communication (August 25, 2006) from Mike DeHaan;
- Communication (September 8, 2006) from Dalton C. Shipway;
- Communication (September 9, 2006) from Michael Gregg;
- Communication (September 12, 2006) from Cynthia Wilkey, West Don Lands Committee;
- Communication (September 12, 2006) from Christopher J. Williams, Aird and Berlis;
- Communication (September 12, 2006) from James W. Harbell, Stikeman Elliott, LLP;
- Communication (September 13, 2006) from Mark Flowers, Davies Howe Partners; and
- Communication (September 13, 2006) submitted by Stephen Seaborn on behalf of Lester Brown, President of Gooderham and Worts Neighbourhood Association.

—————

The following appeared before the Toronto and East York Community Council:

- Dalton C. Shipway, Friends of the Lower Donlands;
 - Stephen Seaborn on behalf of Lester Brown, Gooderham and Worts Neighbourhood Association., (DWNA) Inc.;
 - James W. Harbell, Stikeman Elliott;
 - Elaine Wyatt, President, Toronto Chapter, Save Ontario Shipwreks;
 - Michael Gregg, Ontario Archeological Society Advocacy Task Force;
 - Mark R. Flowers, Davies Howe Partners;
 - Mr. Barlow, on behalf of Royal Canadian Yacht Club;
 - Karen Buck; and
 - Chris Williams.
-

City Council – September 25, 26 and 27, 2006

Council also considered the following:

- Report (September 27, 2006) from the Chief Planner and Executive Director, City Planning [Communication 24(b)]:

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.

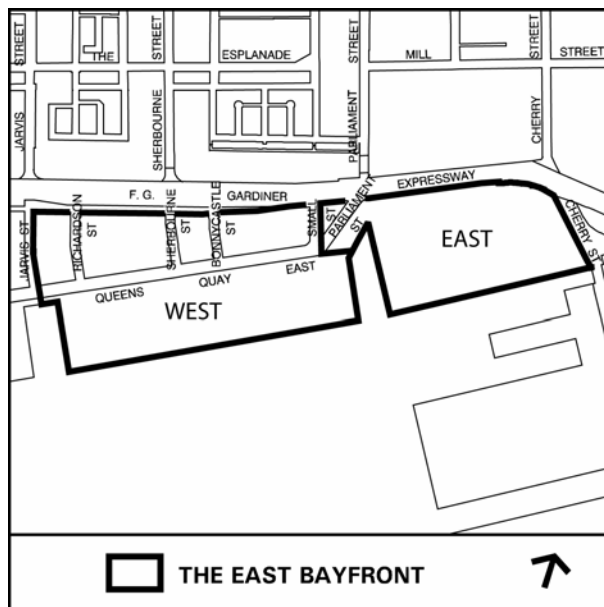
Financial Implications and Impact Statement:

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 land-owners 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.

Contact:

*Angus M. Cranston, Senior Planner, East Section
Telephone: 416-392-0425; Fax No. 416-392-1330; E-mail: acransto@toronto.ca*

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

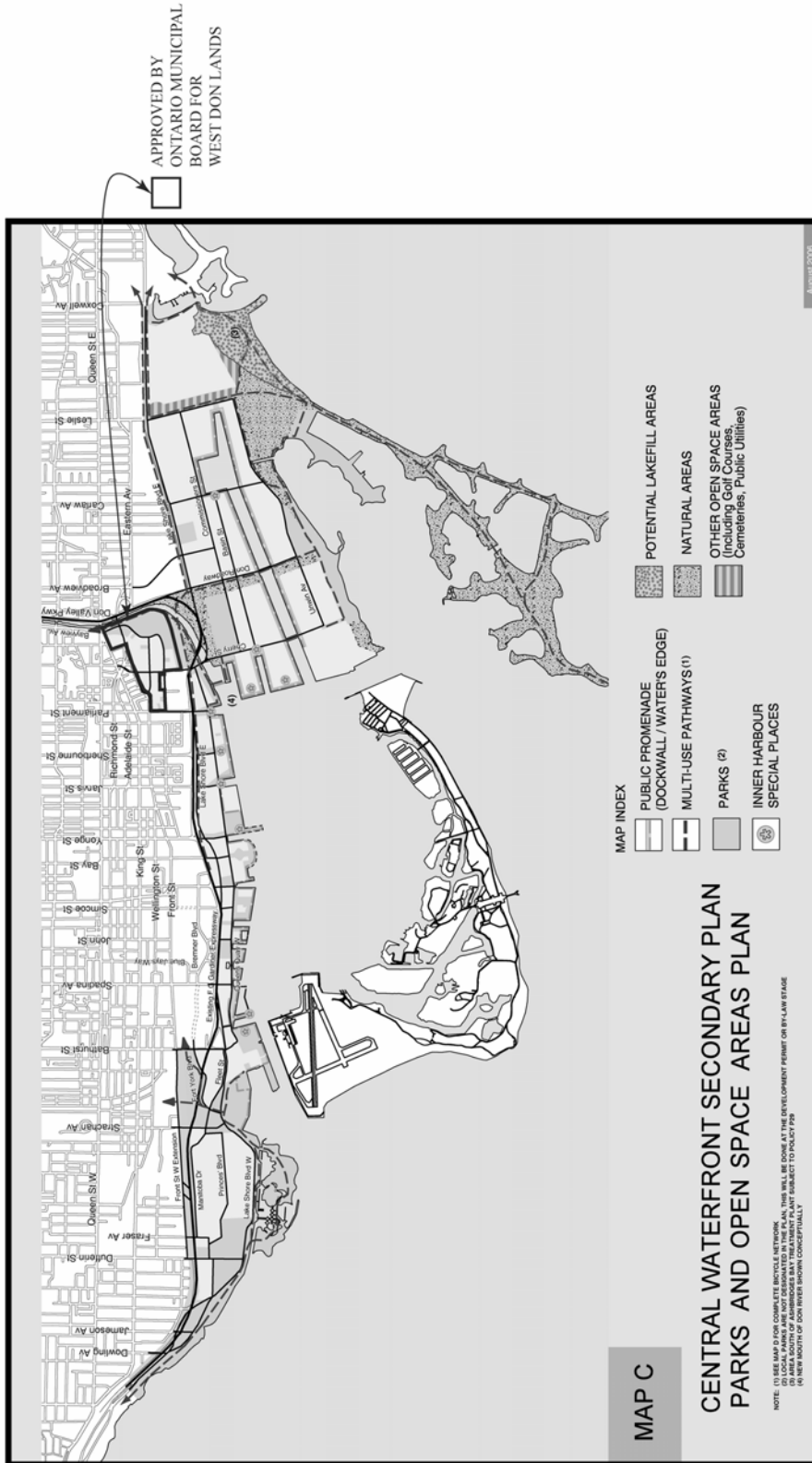
<i>Roadway⁽¹⁾</i>	<i>From</i>	<i>To</i>	<i>ROW</i>	<i>Streetcar in own ROW</i>
<i>Bayview Av</i>	<i>Mill St</i>	<i>Queen St E</i>	<i>30 m</i>	<i>No</i>
<i>Basin St (new)</i>	<i>Cherry St</i>	<i>Carlaw Av (new)</i>	<i>26 m</i>	<i>No</i>
<i>Broadview Av (new)</i>	<i>Commissioners St</i>	<i>Eastern Av</i>	<i>32 m</i>	<i>Yes</i>
<i>Carlaw Av (new)</i>	<i>Unwin Av</i>	<i>Commissioners St</i>	<i>26 m</i>	<i>No</i>
<i>Cherry St</i>	<i>Eastern Av</i>	<i>Front St E</i>	<i>36 m</i>	<i>Yes</i>
<i>Cherry St</i>	<i>Front St E</i>	<i>Mill Street</i>	<i>35 m</i>	<i>Yes</i>
<i>Cherry St</i>	<i>Mill St</i>	<i>CN Railway Corridor</i>	<i>varies</i>	<i>Yes</i>
<i>Cherry St</i>	<i>CN Railway Corridor</i>	<i>Unwin Av</i>	<i>40 m</i>	<i>Yes</i>
<i>Commissioners St</i>	<i>Cherry St</i>	<i>Leslie St</i>	<i>40 m</i>	<i>Yes</i>
<i>Don Roadway</i>	<i>Lake Shore Blvd E</i>	<i>Commissioners St</i>	<i>30 m</i>	<i>No</i>
<i>Don Roadway (new)</i>	<i>Commissioners St</i>	<i>Unwin Av</i>	<i>40 m</i>	<i>Yes</i>
<i>Dufferin St (new)</i>	<i>Front St W (new)</i>	<i>Lake Shore Blvd W</i>	<i>30 m</i>	<i>Yes</i>
<i>Front St E</i>	<i>Trinity St</i>	<i>Cherry St</i>	<i>30 m</i>	<i>Yes</i>
<i>Front St E</i>	<i>Cherry St</i>	<i>a point 70 m east of Cherry St</i>	<i>20 m</i>	<i>No</i>
<i>Front St E</i>	<i>a point 70 m east of Cherry St</i>	<i>Bayview Av (new)</i>	<i>42 m</i>	<i>No</i>
<i>Front St W (new)</i>	<i>Bathurst St</i>	<i>a point 170 m east of Strachan Av</i>	<i>33 m</i>	<i>No</i>
<i>Front St W (new)</i>	<i>a point 170 m east of Strachan Av</i>	<i>Dufferin St</i>	<i>27 m</i>	<i>No</i>
<i>Leslie St</i>	<i>Commissioners St</i>	<i>Lake Shore Blvd E</i>	<i>40 m</i>	<i>Yes</i>
<i>Lower Jarvis St.,</i>	<i>Lake Shore Blvd. E</i>	<i>Queens Quay E</i>	<i>26 m</i>	<i>No</i>
<i>Lower Sherbourne St</i>	<i>Lake Shore Blvd. E</i>	<i>Queens Quay E</i>	<i>26 m</i>	<i>No</i>
<i>Manitoba Dr (new)</i>	<i>Strachan Av</i>	<i>Fraser Av (new)</i>	<i>Varies</i>	<i>Yes</i>
<i>Mill St</i>	<i>Cherry St</i>	<i>Bayview Av (new)</i>	<i>25 m</i>	<i>No</i>
<i>Parliament St</i>	<i>King St E</i>	<i>Front St E</i>	<i>Varies</i>	<i>Yes</i>
<i>Parliament St (new)</i>	<i>Lake Shore Blvd E</i>	<i>Queens Quay E</i>	<i>24 m</i>	<i>No</i>
<i>Princes' Blvd (new)</i>	<i>Saskatchewan Rd</i>	<i>Manitoba Dr</i>	<i>45+ m</i>	<i>No</i>
<i>Queens Quay E</i>	<i>Yonge St</i>	<i>Cherry St</i>	<i>40 m⁽²⁾</i>	<i>Yes</i>
<i>Strachan Av</i>	<i>Lake Shore Blvd W</i>	<i>Front St W (new)</i>	<i>30 m</i>	<i>No</i>
<i>Unwin Av (new)</i>	<i>Cherry St</i>	<i>Leslie St</i>	<i>40 m</i>	<i>Yes</i>
<i>Yonge St</i>	<i>Queens Quay</i>	<i>Lake Shore Blvd</i>	<i>30 m</i>	<i>No</i>

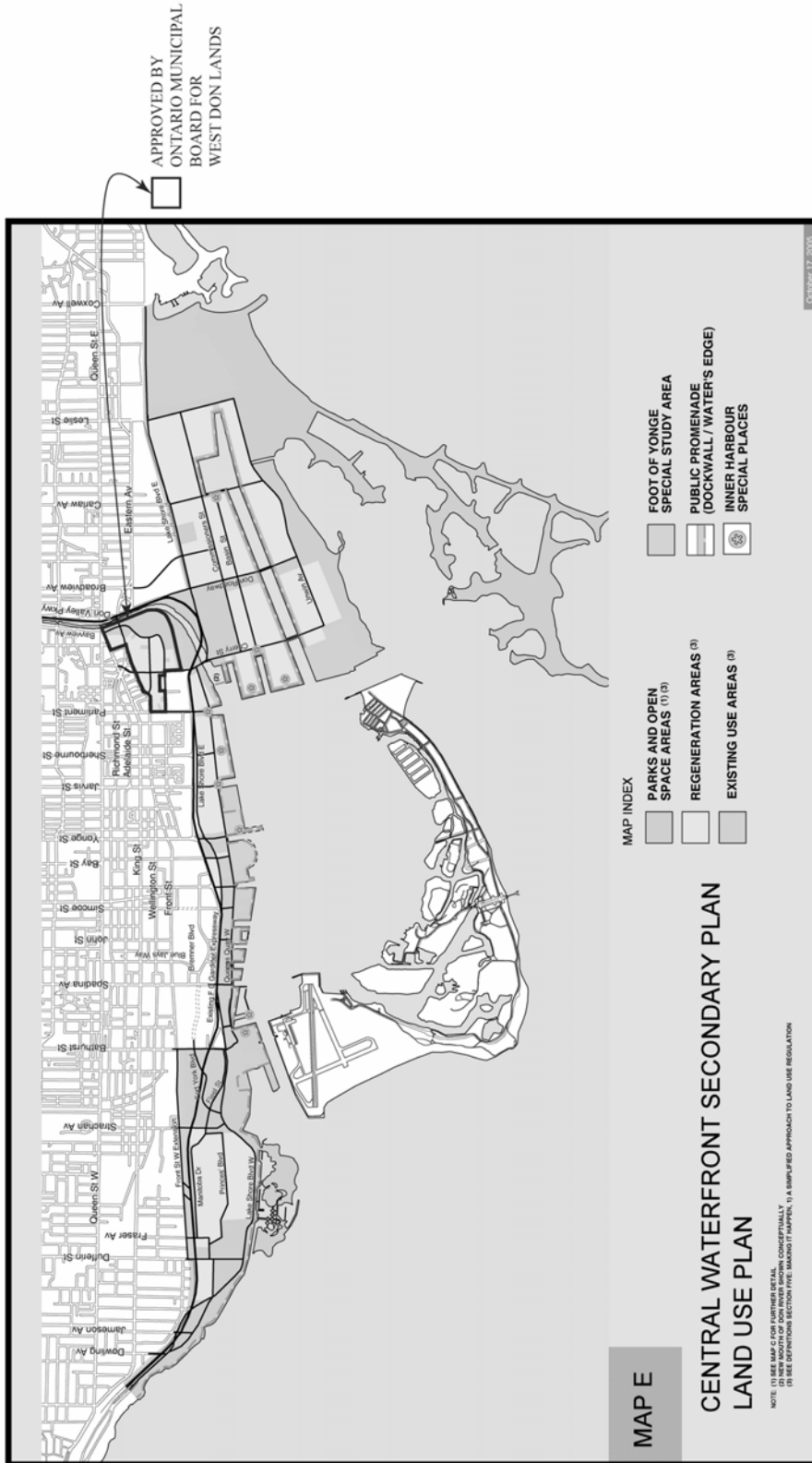
(1) Existing or currently planned roads (e.g. Bremner Boulevard) that are not listed in this schedule will maintain current right-of-way designation.

(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.*





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”.*

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

(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”:*

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

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

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:*

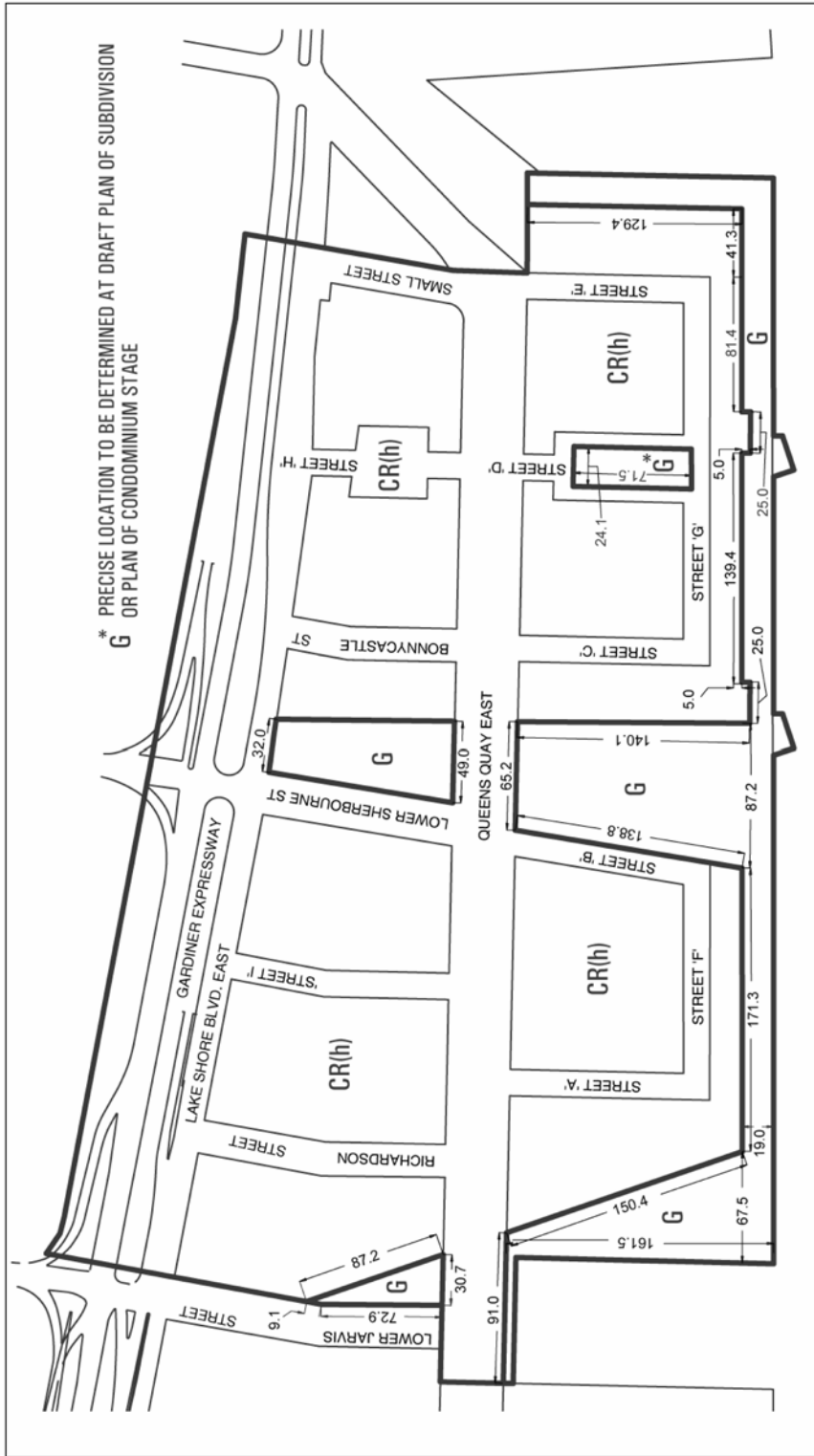
“other than in the East Bayfront – West Precinct”

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

*DAVID R. MILLER,
Mayor*

*ULLI S. WATKISS,
City Clerk*

(Corporate Seal)



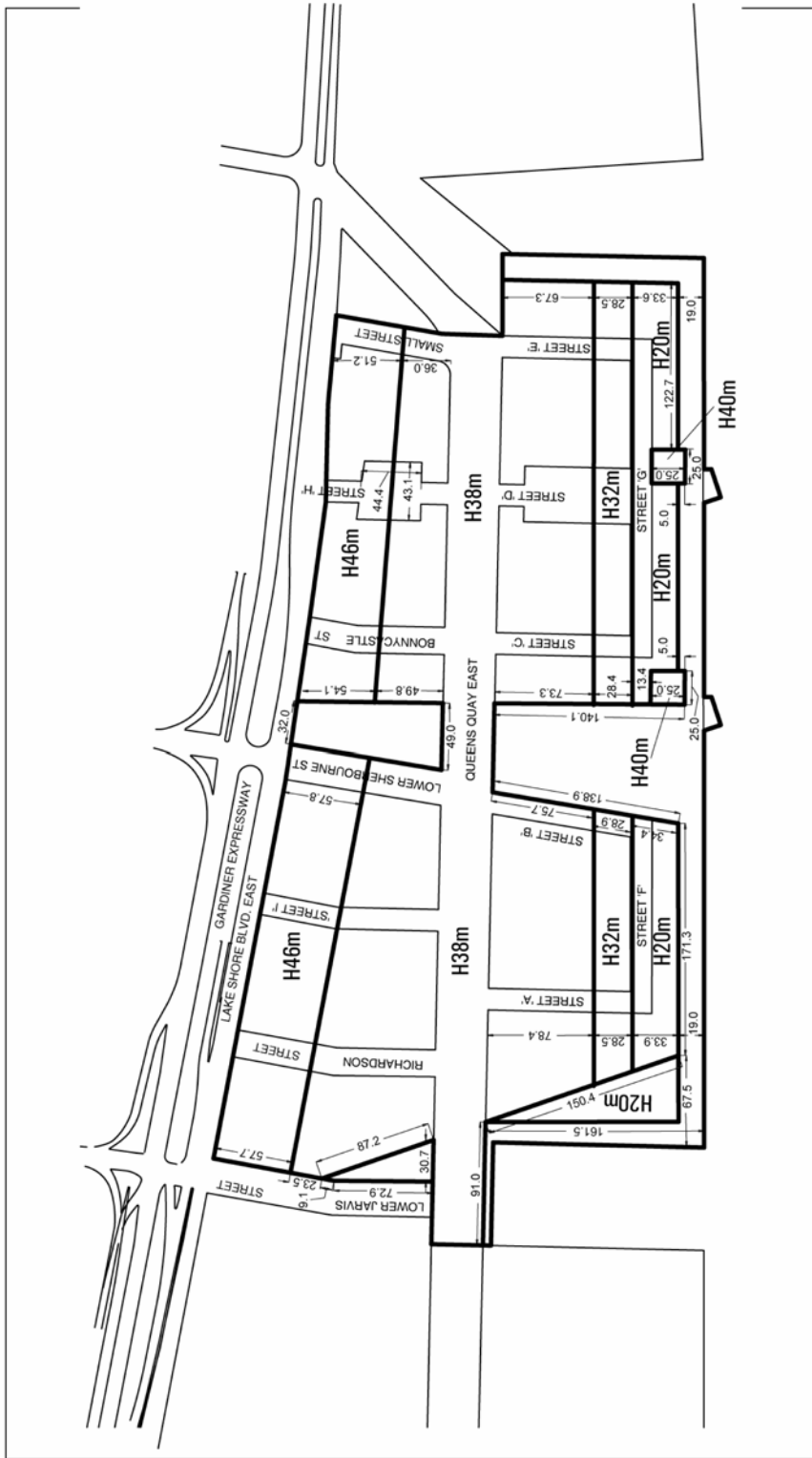
East Bayfront - West Precinct

Toronto City Planning Division
Map A: District Use Map

File # 06_160461

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





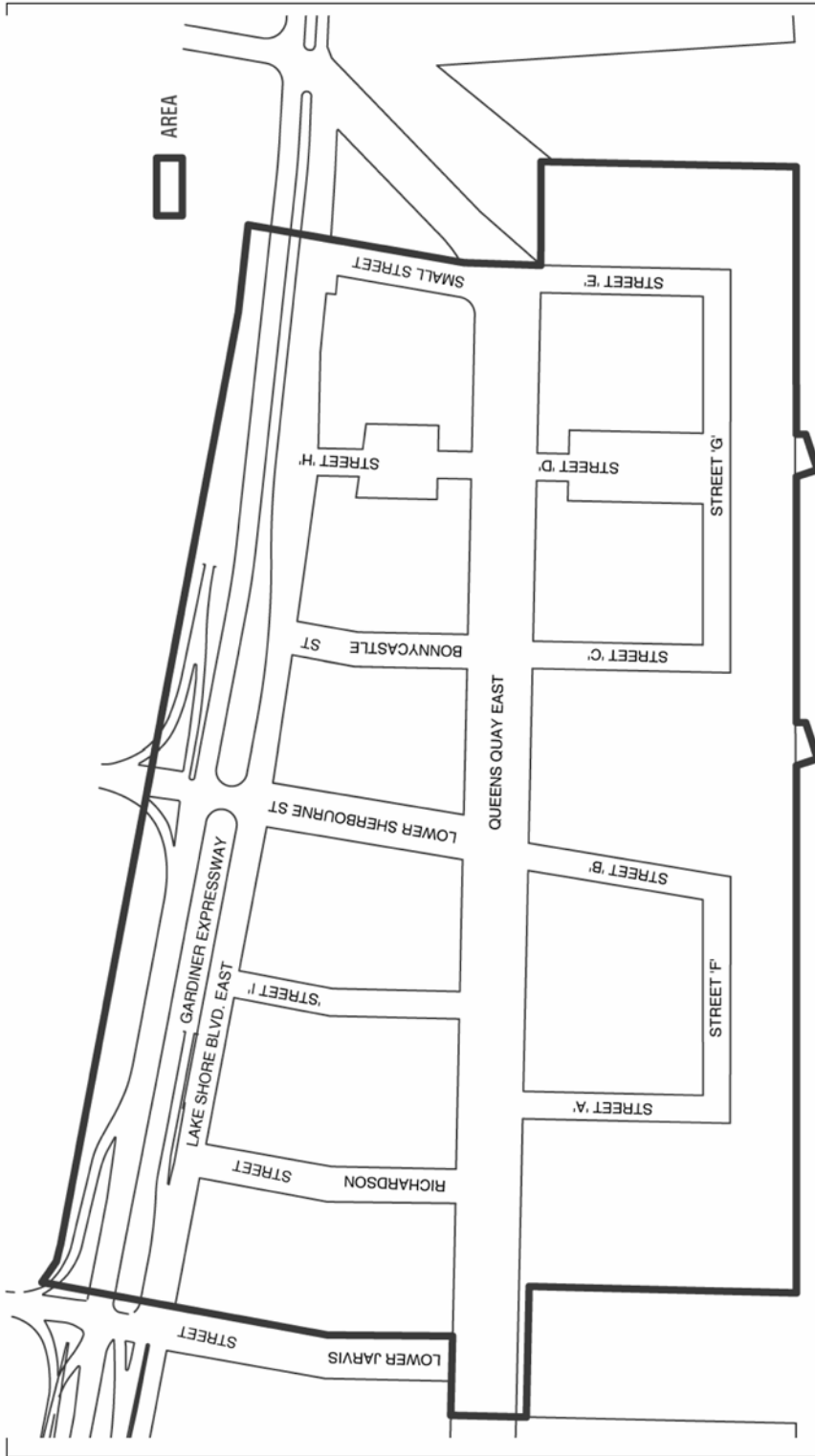
East Bayfront - West Precinct

Toronto City Planning Division
Map B: Maximum Heights 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



East Bayfront - West Precinct

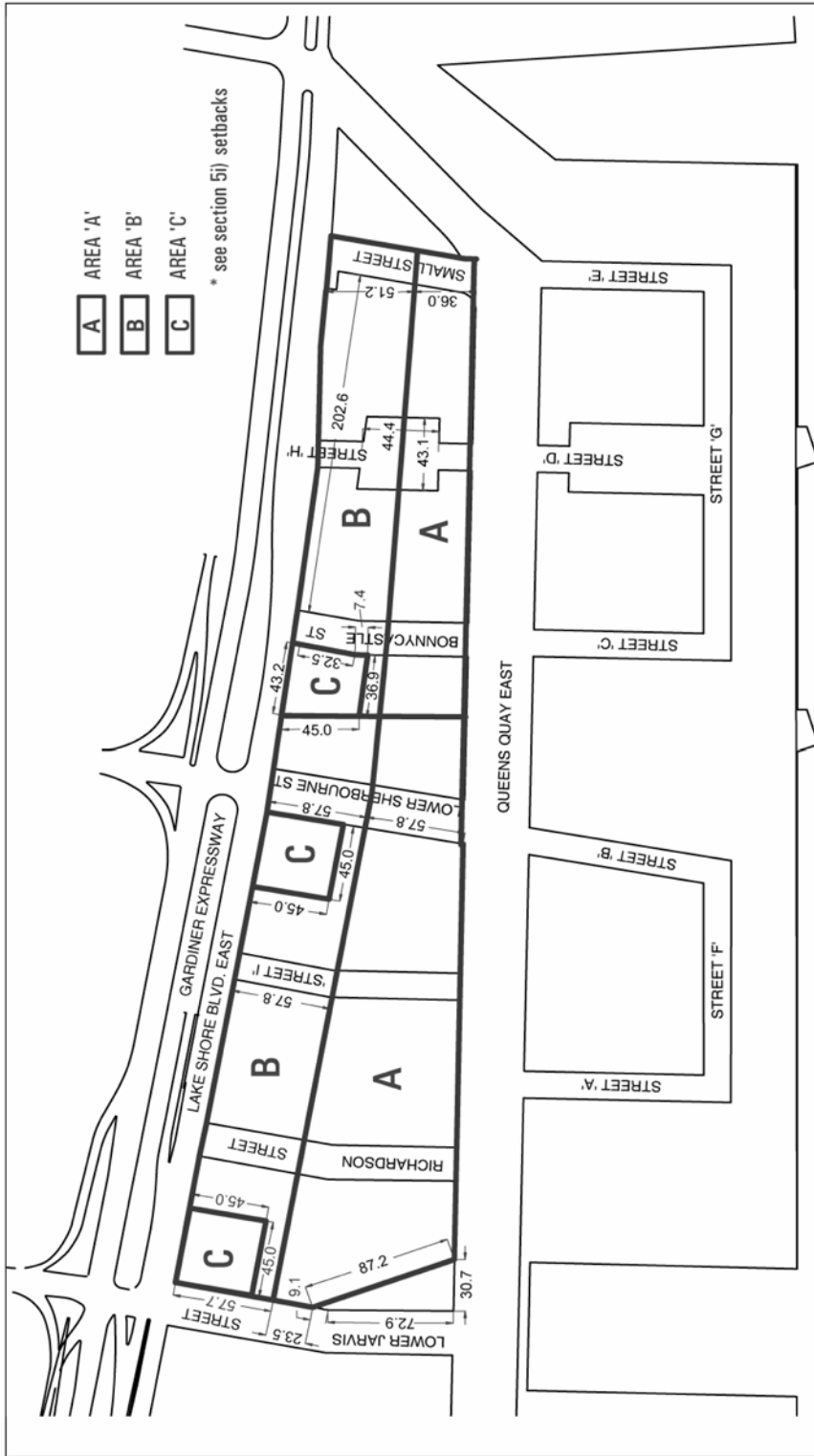


Map C: Lands Exempt from Section 12(2) 270

File # 06_160461

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





East Bayfront - West Precinct

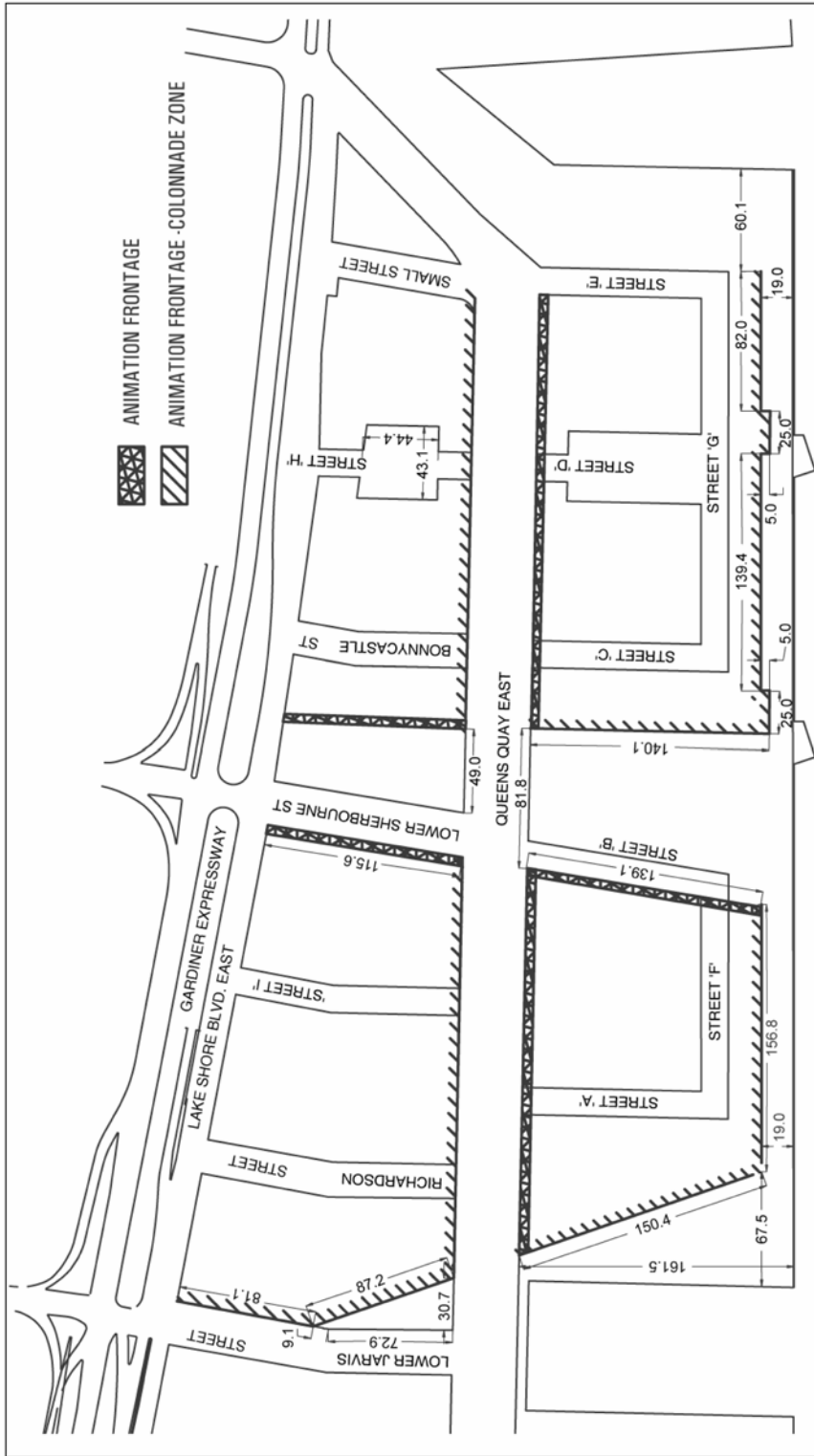


Map 1: Heights Plan with Exception Areas

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

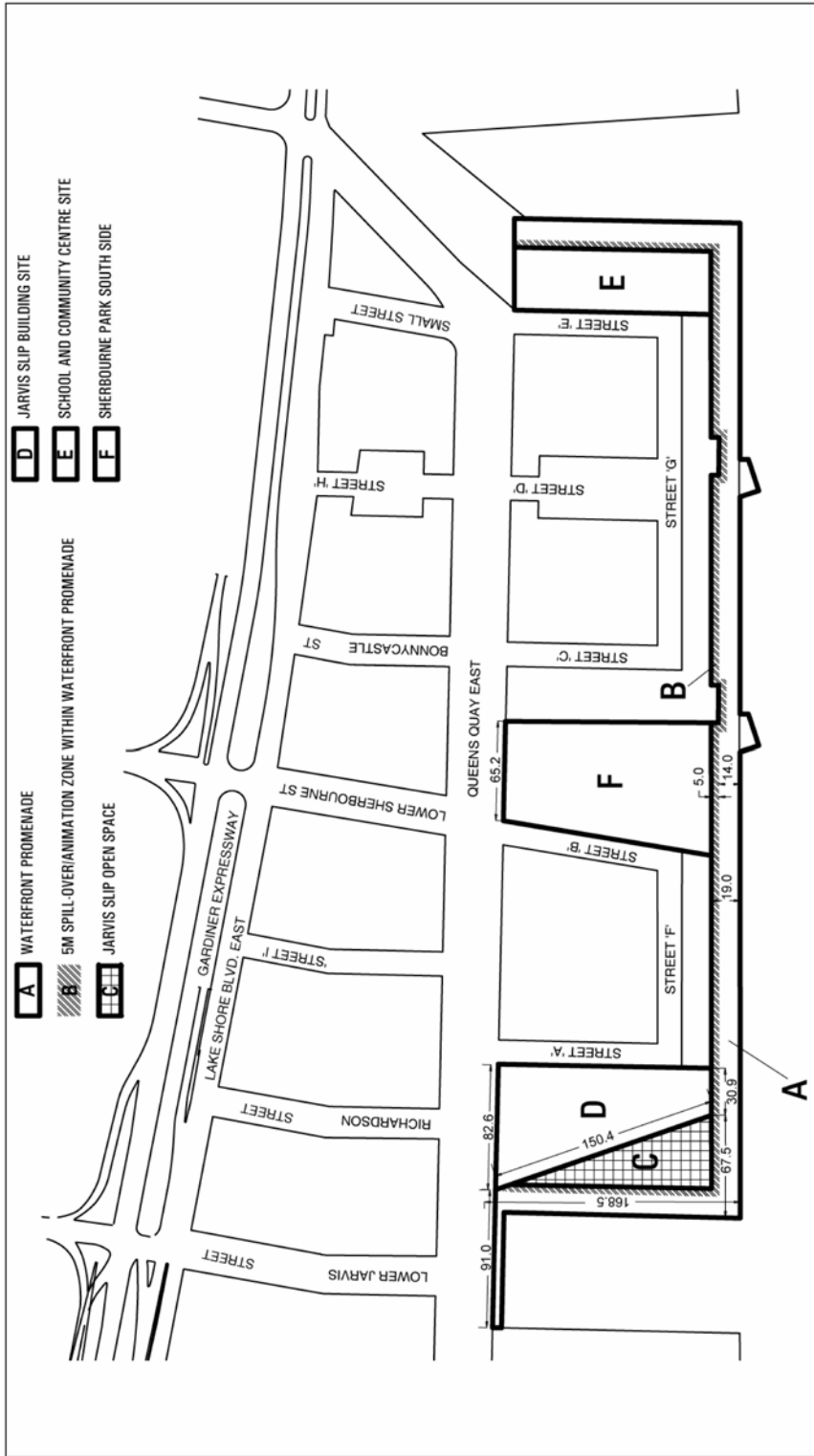


Map 2: Ground Floor Animation Area

File # 06_160461

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





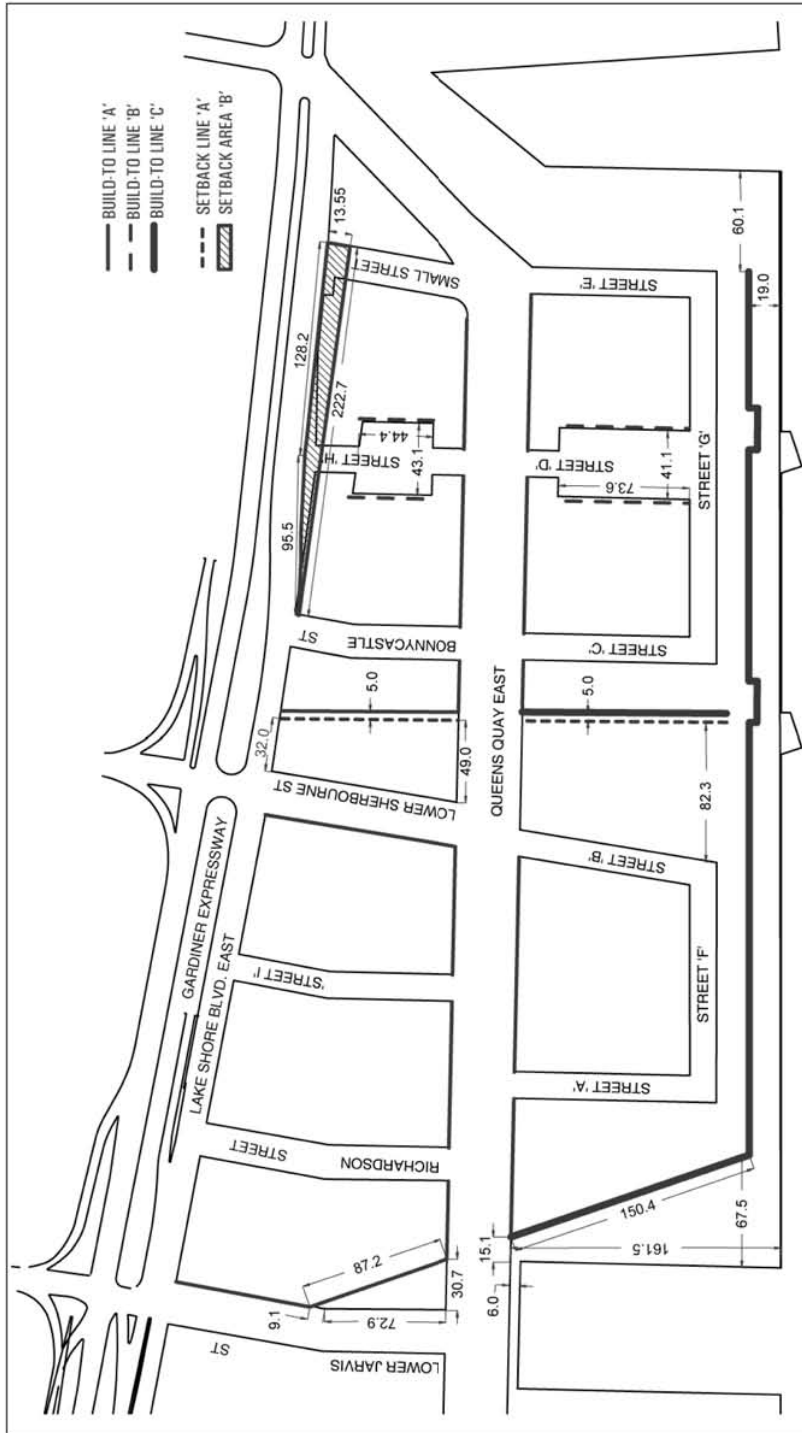
East Bayfront - West Precinct

Toronto City Planning Division
Map 3: Water's Edge Promenade

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

Communications:

- *(September 8, 2006) from Dennis Bartels [Communication 24(a)]; and*
- *(September 26, 2006) from Patrick J. Devine, Goodman and Carr LLP, Barristers and Solicitors [Communication 24(c)].*